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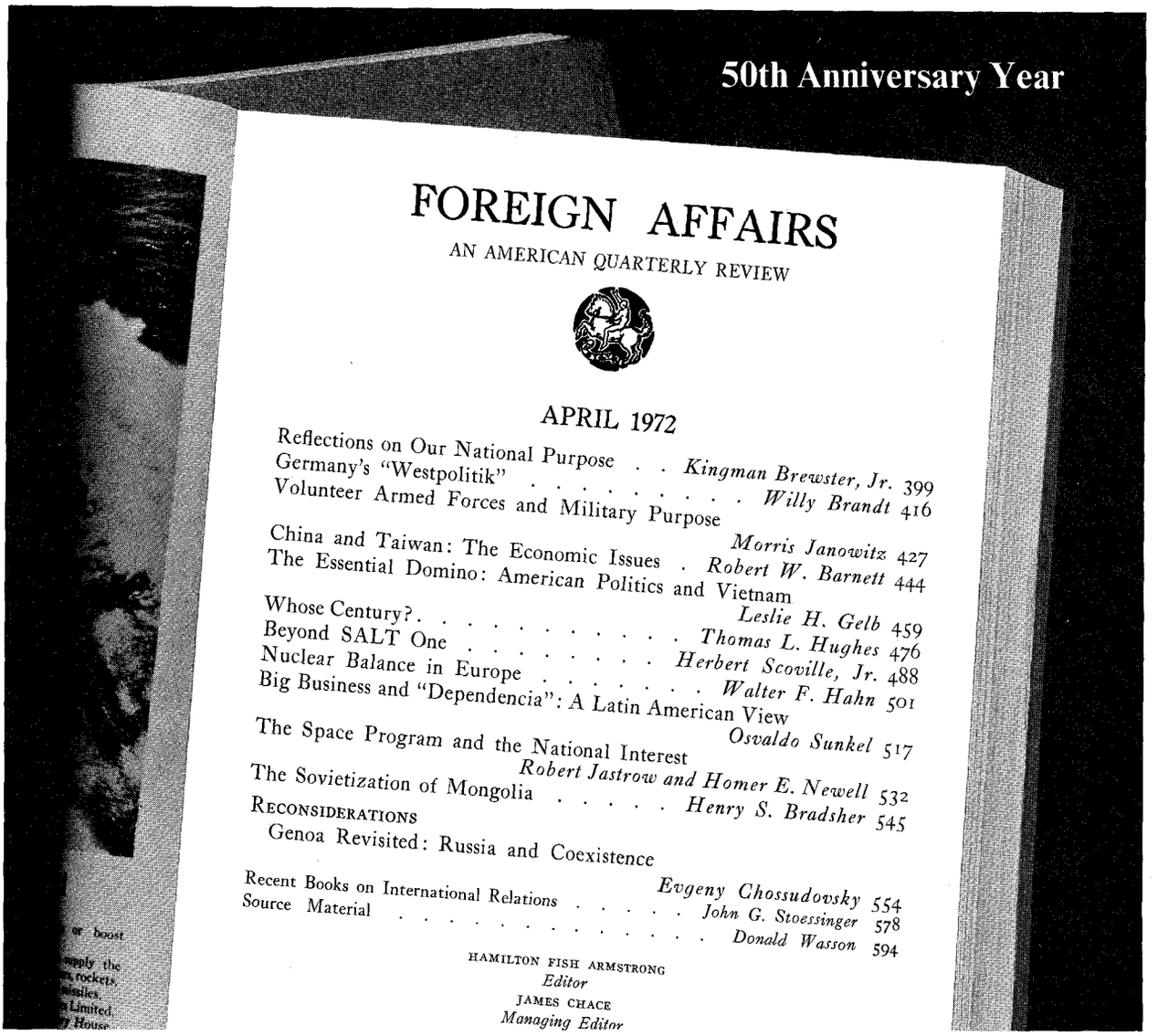
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1. No More Tokenism. A scheme to eliminate transit strike threats and fare hikes by eliminating fares entirely *(Aug. 9, 1971, Robert Abrams)*

2. How to Pick a Doctor. Choosing the "right" doctor is no harder than choosing the right lawyer or stockbroker—that is, it's next to impossible. But if you know your family's needs, there are a number of techniques, which, combined with a modicum of good sense, can lead you straight to the doctor of your dreams. *(June 14, 1971, Michael Halberstam)*

3. Getting the Most for the Lease. It's not always easy to make sense of the housing laws and codes that New York apartment tenants live under. But, with expert assistance, even the least legally-minded apartment dweller can understand and protect his rights. *(Mar. 29, 1971, Peter Hellman)*

4. A Primer for New York Pet Owners. All the prospective, or present pet owner needs to know about adopting, buying, altering and vetting his cat or dog. *(June 28, 1971, Marlise James)*

5. Buying Time: Where to Find a Baby-Sitter. A guide to schools, agencies and hospitals with capable women ready and eager to relieve you of your motherly responsibilities for a few hours. *(Jan. 25, 1971, Suzanne Ramos)*

6. Brooklyn's C.I.A. — An Antique-Browser's Paradise. Far from Manhattan's pricey antique emporiums, Coney Island Avenue offers the intrepid antiquer bargains, quality and an abundance of junk. *(Nov. 1, 1971, Claire Berman)*

7. It May Be Art, But It Won't Cut Cheese. A wary look at the gift-gadget jungle. *(Dec. 6, 1971, Peter Blake)*

8. Thoughts on Dog Pollution. Dogs are lovable, useful, fuzzy, cuddly, endearing animals whose "pollution" is making the city and its parks unbearable. Ms. Newhouse makes some suggestions for alleviating this scourge, ranging from the common courtesy of curbing your pet, to a touch of chlorophyll in the diet, to public dog toilets, to a dog tax or other governmental intervention. *(June 28, 1971, Nancy Newhouse)*

9. Closet Cleaning From Fur to Furniture. No need to leave your sofa on the sidewalk or pay the super to haul away your cartons of outgrown clothes. In New York, whatever is salvageable is salable, or at least deductible. *(Jan. 3, 1972, Prudence Brown)*

10. How to Find a Psychiatrist. Finding a psychiatrist who suits you. *(Feb. 8, 1971, Carol Rinzler)*

11. Scorn Not the Local Grape. New York State wines range in quality from excellent to execrable, but with a little help from an expert, you can avoid unfortunate purchases, save money and end up with a fine bottle on the table. *(June 21, 1971, William Clifford)*

12. Children's Camps: Across the River and Into the Trees. Day camps of every description, but your child might be just as happy in a free Boys' Club day camp as in a $500 facility. *(May 24, 1971, Madeline Lee Collins)*

13. Many Happy Returns. The best of the professional income tax firms and how they can save you time, worry and, often, expensive mistakes. *(Mar. 15, 1971, Owen Edwards)*

14. Another Wrecking Ball Heads Toward East 53rd Street. We exposed Citadel Management Corp. and Urban Relocation for what they are and now they have to put a big banner saying "Not a Governmental Agency" on their signs. And they'll have a tougher time trying to force you out of your building. *(Aug. 30, 1971, Daniele Deverin)*

15. The Psychology of Day Care. The new breed of day-care center can benefit parents as well as children, since they shift some of the burden—if not the responsibility—for child-rearing onto the community. *(April 5, 1971, Susan Edmiston)*

16. How to Write Your Own Marriage Contract. *(Dec. 20, 1971, Susan Edmiston)*

17. The Only Safe Strategy for the Small Investor. There are lots of options, but the best plan is to go out and find yourself a no-load mutual fund. *(Jan. 24, 1972, Charles and Susan Ellis)*

18. The Peak of Perfection. Mr. Fischler rates 48 nearby ski resorts on travel time, size, price, ambience, accommodations, even restaurants and night life. *(Jan. 24, 1972, Stanley Fischler)*

19. How to Borrow Money: A Primer for the Perplexed. People don't shop for credit as carefully as for the goods they want the money for. Their innocence or indifference can be as expensive as it is unnecessary. *(Jan. 24, 1972, Elizabeth Fowler)*

20. Get Me to the Plane on Time. The cost of getting to an airport from midtown Manhattan can range from $120 for a helicopter to 55 cents for a labyrinthine subway-bus ride, and it's a good idea to know about the choices in between. *(Mar. 1, 1971, Annette Grant)*

21. Where the Jobs Are: A Student's Guide. *(April 12, 1971, Phyllis Harris)*

22. Buying Quiet: Despite street noise, thin walls and your neighbor's stereo, there are at least thirteen different ways you can de-amplify your apartment. *(June 21, 1971, Catherine Houck)*

23. Car Rentals: An Updated Map. An up-to-the-minute rundown to guide you through the plans, paperwork, options and pros and cons of renting a car in the city. *(Jan. 18, 1971, Bernhardt J. Hurwood)*

24. Out to Pasture: Farm yourself (and your children) out for a weekend at one of the many inexpensive, informal guest farms within a few hours of the city *(Aug. 9, 1971, Claire Berman)*

25. Free Health Care: Why Pay an Arm and a Leg? No one wants to crowd out those who need health care and cannot afford to pay for it. But there are also a number of free services ranging from vaccinations or alcoholism counseling to cancer detection which any New Yorker can avail himself of in good conscience. *(Jan. 25, 1971, Carol Kahn)*

26. Now's the Time to Buy a Co-op. The seller's market in real estate has come to an end and, if you take heed of various tips for dealing with owners and agents, this could be the right time to buy. *(Jan. 11, 1971, Peter Hellman)*

27. Beds That Aren't. Since nobody in New York has enough space, Ms. Houck suggests half-a-dozen reasonably priced, space-saving non-beds for people who don't have bedrooms. *(Oct. 11, 1971, Catherine Houck)*

28. Can You Outsmart the New York Car Thief? There's almost nothing the car owner can do to keep a determined professional thief from making off with his Mercedes. But there are techniques, gadgets and devices which are pretty sure to deter even the most ambitious amateur. *(April 19, 1971, Mel Mandell)*

29. Salad Days. Where to pick up the freshest produce at the lowest prices. *(July 12, 1971, Julie Maxey)*

30. Restaurants That Children Like. *(June 21, 1971, Gael Greene with A. L. O'Hara)*

31. Restaurants That Like Children. Howard Johnson's loves kids, and vice versa. But why not experiment a little. At Hawaii Kai, for instance, children ten and under may share a grownup's dinner at no additional charge; the Red Coach Grill offers peanut butter-and-jelly sandwiches as well as steaks; and Hyde Park supplies the very young with crayons and placemats to keep them amused until dinner is served. *(June 27, 1971, Gael Greene with A. L. O'Hara)*

32. What to Do When 611 Doesn't Answer. Deep within the N. Y. Tel system are the real professionals—the public relations men, managers and others of their ilk—who can straighten out your phone troubles when no one else can. But you can't call them unless you know their numbers. *(April 19, 1971, Franklynn Peterson)*

33. 'G' is for Ghastly. Well-intentioned parents beware. The trouble with most of the supposedly wholesome family theatrical fare around this season is that it's boring, often inane, and frequently unsuitable for young children. *(Sept. 6, 1971, Claire Berman)*

34. As the Twig Is Bent, So Goes the Money: The Determined Parents' Guide to Manhattan's Private Nursery Schools. An updated, enlarged compendium of the city's diverse, often expensive, nursery schools, including school hours, tuition, location and short descriptions of each school's attitude and milieu. *(Feb. 22, 1971, Kim Richman)*

35. Last-Minute Private School Openings. A listing of those city schools which, as of last Labor Day, had definite openings for the fall semester. *(Sept. 6, 1971, Carol Rinzler)*

36. Butchers Prime and Choice. New York is loaded with specialty meat stores—the kind with sawdust on the floor, sausages swinging from the ceiling, and experts behind the counter who still consider the selection, care, curing, cutting, trimming and selling of meat a fine art. *(April 26, 1971, Elin Schoen)*

37. Don't Cook Tonight: A Catering Guide. So you want to give a party or wedding or Bar Mitzvah, but would rather not lift a finger. To help, there are dozens of catering establishments that will provide everything from the food to the chairs and silverware. *(Nov. 8, 1971, Mimi Sheraton)*

38. The Whole Cloth. If you want to clothe your body or cover your couch, or drape your windows with velvet, and you want to do it yourself, New York City's fabric shops can accommodate you with anything from upholstery material at 50 cents a yard to cloth of gold at $250. *(July 26, 1971, Janet Spencer)*

39. Lumber by the Yard: A Home Carpenter's Guide. Where to go if you want to build anything from a bookshelf to a treehouse, what kind of lumber you need, which firms deliver, how to measure, and how much it's all likely to run you. *(Aug. 16, 1971, Barry Tarshis)*

40. Courses That Click. A guide to the city's camera schools, where one can refine, define or simply be introduced to camera and developing technique. *(Jan. 17, 1972, Barry Tarshis)*

41. An Undercover Guide to Mid-Manhattan. Hitherto uncharted routes to get the cold, wet or curious walker in the city from here to there without using the streets. *(Feb. 21, 1972, John Tauranac)*

42. A Kennel Michelin: From Luxe to Pension. The best and best-known boarding kennels around town, rated with a view toward cleanliness, the owners' concern for their charges, as well as such important matters as day-and-night surveillance, exercise facilities and grooming services. *(June 28, 1971, Trescott Ripley)*

43. Divorce—Dominican Style. For better or for worse, Haiti and the Dominican Republic have cornered the lucrative quickie divorce market. Ms. Wolfe explains the logistics, legalities and pros and cons of winging down to the Caribbean for a one-day divorce. *(Jan. 31, 1972, Linda Wolfe)*

44. Why I'm Sending My Kid to Public School. The New York public schools have an unenviable reputation, but many New Yorkers—who could afford not to—are delighted to send their children there and are happy to explain why they made the choice. *(Nov. 8, 1971, Mel Ziegler)*

45. Public Tennis: Your Day at Court. A guide to the care, condition, crowding and ambience at the city's tennis facilities. *(July 5, 1971, Barry Tarshis)*

46. Beauty From Head to Toe. Beauty services—from false eyelash fitting to leg waxing. *(Jan. 11, 1971, Enid Nemy)*

47. What You Should Know About Fringe Benefits. Variations in fringe benefits can spell the difference between prosperity and just making do, or making do and bankruptcy. And as long as people continue to think that all company programs are pretty much the same, a lot of employers are going to get away with profitable murder. *(Jan. 24, 1972, Arthur Louis)*

48. How to Get Control of Your Time (and Your Life). Tactics to find even more time *(Jan. 17, 1972, Jane O'Reilly)*

49. Consumer Handbooks. Volume 1, No. I alone (there have been eight since) contained: "Cracking the Supermarket Code," for the wary consumer who wants to know her "fresh" bread has been sitting on the shelf for 48 hours; "How to Complain," a listing of phone numbers and addresses for complaining about anything and everything from a store's discriminatory practices to the cracked sidewalk on your block; "Vitamin C Comparison Shopping"; "How to Be Heard at a Hearing"; and "Winter Cheer," a guide to reliable purveyors of moderately-priced champagnes; plus, sundry bargains and caveats, recommendations and condemnations.

50. The Underground Gourmet. Milton Glaser and Jerome Snyder on where to get a good, cheap, often exotic meal in the city.

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TRB

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The Tardy Mandate

We think there is some chance that Mr. Nixon will be beaten this fall and we have gone on to the next step. It is worth a little reflection. The significance of this election could depend, we suspect, on whether it is another interim affair or a major change of direction; in short, what historians call a "critical" election.

There have been five "critical" elections since the Republic began, according to this theory. They come in a sort of rhythm and a new one is due—and overdue. There was 1800 when Jefferson finished off the Federalists; 1828 when Jackson brought in frontier democracy; 1860 which ended slavery under Lincoln; 1896 when McKinley and the corporations beat Bryan's agrarian populists; and 1932 that ushered in FDR's welfare-statism. There we have stuck.

Count the intervals. There is a striking pattern of 28 to 36 years. But there hasn't been a critical election for 40 years. Old Faithful hasn't spouted. We've been drifting much of the time.

There was a period like this a century ago, 1836-1860. Politicians couldn't cope with reality; in that case slavery. They made passes and wrote pompous platforms. In 24 years there were six elections and eight one-term Presidents (two died in office), and not a single one was reelected. The nation drifted as the sound of breakers got louder. The institutions of government were inadequate to the cruel problem.

Is there a parallel today? Nothing like slavery, but we have problems all right. Once more doubts arise about institutions themselves. A poll for the Rockefeller Foundation reveals that 30 percent of college students said last year they would rather live in some other country. Probably exaggerated, but typical of frustrations that sometimes explode into "critical" elections. Mostly though, every four years the voters search for Superman, and spend the next three discovering they haven't got him.

Take the past quarter century; it has been the era of the split vote. Congress is of one party, the President of another. A funny system. Which team has the ball? It has happened more frequently recently: only four times between 1900 and 1952; five times since 1952.

There's been drift. War hero Ike didn't try to remold his party and six of eight years had a Democratic Congress. Kennedy was killed. Johnson, like those six faceless one-term Presidents a century ago, didn't run again. Nixon? We don't know. In the era's trough of indecision he came in without a majority, without a mandate, and without control of Congress in his first term, something that hadn't happened since 1848 (you remember good old Zach Taylor). In fact in October, 1968, Humphrey was overtaking Nixon so fast that given two more weeks he probably could have won.

How does the country get out of the trough? When enough people get sore enough to give us a genuine mandate. Short of that consider the alternatives.

Suppose Mr. Nixon wins. (Our friends currently bet this way but we think prematurely. Can a man be reelected with unemployment, inflation, a widening ITT scandal, alienated labor, blacks and youth, a war, and a widespread absence of what might elegantly be described as enthusiasm for the candidate personally? We doubt it.)

But suppose he makes it. He will be a lame-duck President right from the start, debarred by law from running again. He will almost certainly have a Democratic Senate. It now looks as though he will have a Democratic House, too. For two more years then (possibly four), there will be continued split government and drift.

All right, suppose a Democrat wins. Even in a close election it now looks like a Democratic Congress. On paper that could reduce friction. Washington is always more fun under Democrats. But look at those entrenched committee chairmen! They would block Superman. Senator Eastland running Judiciary; Russell Long, Finance; McClellan, Government Operations; Stennis, Armed Services; Talmadge, Agriculture. Half of all committee chairmen in Congress are from the South; one-third are over 70; six of the seven senior Democrats on the House Appropriations Committee are rural southerners. The big cities have the pain; the rural areas the power.

America somehow always blunders through, and it will again. In the '60s the blacks and the kids took to the streets, but that may not happen again. Yet surely, something is askew; students have pondered it for years. "The US is unique among the world's democracies," says James Sundquist, "in the extent to which the institutional system is weighted on the side of restraint regardless of the mandate of the people." Douglas Cater says that the real problem is not whether Congress responds to the President, but whether it responds to its own majorities. Can it act at all?

"We have failed," says James McGregor Burns, "because our political institutions are disorganized and fragmented, our leaders improvising and opportunistic, our thinking pragmatic and 'practical.'... Congress remains an essentially eighteenth-century institution. ... The American party system has hardly changed in over a century, except to become more splintered, less collective, more personalized."

Our system needs the safety valve of an occasional "critical" election, but whether it gets one in 1972 is doubtful. How mad are the people? The preliminary seething and bubbling could indicate an eruption. Voters seem ahead of their parties. It looks to this reporter as though we need institutional changes. The refusal of Congress to reform itself, and its consequent decline, is the outstanding political phenomenon of the past half century. Now Mr. Nixon is making alarming passes at the courts, too. America has the money and know-how, yet with all the billions shoveled into welfare the gap between rich and poor widens; the war continues; the man-in-the-street finally knows that he is being gypped on taxes; but he hasn't found out yet what to do.

Maybe protest will boil up. The myth of Superman is about played out. Something new is needed. We need to give Washington a shake that will make its institutional teeth rattle. We need responsible parties. We need a President with a mandate, and leaders in Congress to back him up. We need a critical election.

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"I Wanted Those Ships"

The Navy has a problem this year. Most of us would never hear of it—much less understand it—if it were not for the staff of the congressional Joint Economic Committee which regularly runs its eye over Defense Department business to see how admirals and generals spend over $77 billion a year (as they planned to do in fiscal 1972). The particular difficulty the Navy faces this year is how to get rid of an extra $400 million before its legal budget runs out on June 30. Memo writers in the Navy's procurement headquarters at the Pentagon don't describe the hardship this clearly, however, and it takes a specialist to translate their messages.

Sen. William Proxmire (D, Wis.), chairman of the joint committee, put his hands on one such memo last month, and during a hearing on March 30 he read it aloud to the Chief of Naval Materiel Command, Admiral I. C. Kidd. What he read was a cabled directive from the Chief of Naval Operations, Admiral Elmo Zumwalt, addressed to Kidd and other officers. Untranslated, it said, "Fiscal year 1972 outlay targets promulgated by . . . the President's budget for fiscal year 1973 are over $400 million above target in the earlier fiscal year 1972 budget for the OPN, SCN, PAMN and MILCON appropriations." It went on to sympathize with "the difficulty of achieving these targets during the remaining months of fiscal year 1972" and concluded with the warning that "any shortfall in fiscal year 1972 outlay target could be translated into program loss under fiscal year 1973 outlay ceiling." It ended with a categorized list of suggestions for speeding up the Navy's outflow of cash.

In an off-the-cuff interpretation of the Zumwalt cable, Proxmire said the Navy was telling its officers to get rid of money in order to meet this year's budget predictions and prevent a cutback in funds for next year. Admiral Kidd objected to this reading, saying it was an oversimplification: "Heaven knows, we are not trying to get rid of it. . . . We are trying to get that money properly committed, not wasted, properly committed." Then Proxmire asked about the special review teams the Navy sends out to see how money is being spent at installations around the country. Kidd, reverting to budget-office dialect, explained that the teams go out "to look over their books with them, their contracts with them, to see in what areas there is susceptibility to improved capability to commit funds." That simply muddles the

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message of the Zumwalt memo, which is a request for Navy materiel officers to settle contracts faster than normal with such expediencies as paying "unadjudicated change orders," returning funds withheld on contract disputes, buying more "unpriced purchase orders" and using "fast-pay procedures." This sort of directive is routine, Admiral Kidd told the committee; "the same type of memorandum, going back through the history books, I found have been written in years gone by."

While the Navy searches for ways to pay its bills more quickly, Proxmire continues his campaign to plug leaks in the Defense Department's accounting system. The most notable financial blunder his committee has uncovered so far is the $1 billion in cost overruns the Air Force has had to pay the Lockheed Corporation for building the C-5A transport plane. In the latest hearings, the director of the General Accounting Office, Elmer Staats, reported that shipbuilders' claims against the Navy are now being accepted at an average of 37 percent of the full contract price; that is, on the average, shipbuilders are being paid 37 percent more for their work than the fixed price for which they contracted. The government isn't supposed to accept any of these claims unless the shipbuilder can prove the higher costs are due to changes or delays in the government's plans. Often they are not. And sometimes the Navy pays anyway.

Staats described a claim of $46.3 million that Lockheed filed with the Navy for work on five shipbuilding contracts. In defending the claim, Lockheed said, for example, that the Navy should reimburse the company for 243,000 extra man-hours of labor caused by the government's late delivery of two boilers. The Navy spent a year investigating and found that only 24,000 man-hours of delay had been caused by delivery, two months late, of one boiler. In the end, Lockheed received $17.9 million.

In another case, the Avondale Corporation filed a claim of $73.5 million against the Navy. This case was submitted to a newly created civilian review board whose job was to weed out unsubstantiated claims. The board refused Avondale's claim on July 23, 1971, and the ships were not delivered. About two weeks later, the Navy decided it would reorganize the review board in such a way that the existing chairman would have to be replaced. He stayed on until November, and when the change was about to take place, he quit. Although he requested the ranking officer in charge of materiel—Admiral Kidd—not to pay Avondale, Kidd decided against him and agreed to a "provisional payment" of $25 million. Why? In the hearings, Kidd said, "I wanted those ships, having just come from a fleet where we needed them badly, and this was a validated bill that I was led to understand by the experts in whom I have proper confidence, that it was money owed by the United States and I decided to pay the bill."

ITT, Cont.

Senator Mike Mansfield (D, Mont.) unsettled some of his Democratic colleagues on the Judiciary Committee several weeks ago when he said he thought the ITT inquiry should be separated from the review of Richard Kleindienst's qualifications to be attorney general. In his opinion, the investigation had gone astray of its original purpose of determining whether Kleindienst is ethically fit for the job. Mansfield may be right. It's time the Judiciary Committee looked more closely at Kleindienst himself and put aside for the moment those memos Mrs. Beard did or didn't write, the doctors who may or may not have consulted the Justice Department, and all the paraphernalia of ITT. The committee can return to this separately.

As for Kleindienst, however, the committee shouldn't expect to find criminal conduct or material proof of corruption. Nor should it judge him unfit by virtue of administrative ineptness, for it's the President's privilege to name as cabinet members the men who suit him. The question that remains open, which the committee ought to resolve, is whether Kleindienst has shown an ethical obtuseness in settling ITT and other cases that have come before him in the Justice Department.

The ITT antitrust settlement is the best publicized of three cases that put Kleindienst's ethical judgment in question. He has convinced most members of the committee that he didn't wittingly cooperate in a deal to trade a favorable antitrust ruling on ITT for ITT's contribution of $400,000 to the Republican national convention. He says there was no such agreement. But he and his former assistant, Richard McLaren, were not completely straightforward when they spoke to the committee. They made continual revisions of their testimony and even came back to the second week of hearings with "refreshed" memories and "supplemental statements" that seriously altered their original presentation of the facts. The committee must also decide whether Kleindienst had any business recommending that ITT take what he called an "impressive" argument to McLaren—an argument, incidentally, that didn't raise a single legal point.

Life magazine publicized the second case, one involving Kleindienst, his assistant Henry Peterson, and their mutual decision not to take action against a US attorney in San Diego. The US attorney, Harry Steward, intervened in a Justice Department investigation of alleged tax law violations by local Republican businessmen, and he prevented federal agents from questioning a friend of his who had been implicated. Kleindienst and Peterson reprimanded Steward for his "highly improper" conduct, but decided not to make a public issue of it because they considered his mistake to be one of insensitivity and poor judgment rather than of ethics. No money changed hands, they

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reasoned, therefore there had been no corruption.

The third case is the most damning. Kleindienst has testified that on November 24, 1970 an aide to Republican Sen. Fong (Hawaii) came to him and offered to contribute between $50,000 and $100,000 to Richard Nixon's reelection fund. Kleindienst, for his side of the deal, was to call off prosecution of a New York stock manipulator. Kleindienst didn't take the bribe, but he didn't do anything else either. A week later he read a memorandum from the FBI notifying the attorney general that an electronic bug would be run that morning in Sen. Fong's office. Realizing that the FBI's case involved Fong's aide and possibly himself, Kleindienst wrote a memo to the attorney general informing him of the bribery attempt of the week before. Partly on Kleindienst's later testimony, the aide was convicted and sent to prison.

These are the cases the Judiciary Committee ought to keep in mind when passing judgment on Kleindienst.

Road Block

A three-judge federal appeals court sitting in Alexandria, Virginia, has set up a road block that has national implications. The case involved an appeal from a district court ruling permitting the Virginia Department of Highways to continue work on a planned section of Interstate 66 through Arlington County. Opponents of the highway argued that because conditions had changed since the original public hearing in 1958, the road was no longer needed. They asked that all work, including planning and land acquisition, be halted until another hearing could determine if the highway is in the public interest.

The judges ruled unanimously that the highwaymen had not fulfilled the National Environmental Policy Act requirement for filing an impact statement on environmental effects—even though most of the land had been acquired, a public hearing had been held, and the road approved before passage of that act. The court found that work on the road had not reached the point where a decision *not* to build would be clearly deleterious: no construction contracts had been let, no construction had begun. If upheld, the ruling would establish guidelines on when environmental impact statements must be filed for all federally funded projects that pre-date the environmental protection law. One of the major changes that had occurred since the original hearing, the court noted, was the planning of a rapid transit line directly along the route of the proposed highway, which might obviate the need for the road. The decision calls into question all federally funded highway projects where hearings were held before 1968, but where no construction has begun.

The Nixon Watch

Baiting Moscow

The first official reference to the Soviet Union in connection with the North Vietnamese offensives in South Vietnam occurred at the State Department on April 3, in response to a reporter's question. The question was whether the department detected a relationship between the attacks and "the presence in Hanoi last week of an extremely high-level Soviet military delegation." Robert McCloskey, who usually works in private as Secretary of State William P. Rogers' personal spokesman and on White House orders had temporarily taken over the daily department press briefing, answered "I can't say; I don't know." The next day, in the course of complaining that South Vietnam was the victim of "a naked attack by regular units of the North Vietnamese military," McCloskey dropped the following remark: "And I wish to call to your attention that these units are supported in a very large way by heavy military equipment from the Soviet Union." Why, he was asked, did he wish to call that fact to the attention of the press? "To emphasize the nature of this attack," he replied. His point, stated in the tone of a prosecutor accusing a defendant of heinous crime, was that the Soviet supply of tanks, anti-aircraft missiles and the like to the North Vietnamese had made possible "a divergence from the more traditional pattern of guerrilla warfare to conventional warfare." McCloskey conceded that the Communist Chinese, whom he hadn't mentioned, had been supplying North Vietnam with weapons for many years. But "the more massive use of heavy equipment—which traditionally has come from the Soviet Union—adds a new factor to the situation on the battlefield in South Vietnam." Was he suggesting that Soviet participation went beyond military supply to a "larger role in the offensive, in the planning or political considerations?" McCloskey answered, "I think that would be speculative now," and said in response to another question that he wasn't trying to promote speculation "in that direction."

So began the baiting of Moscow that played a part in the preparation of the American public for the vastly expanded use of US air and naval power, in South and North Vietnam, to support South Vietnam's ground forces. Defense Secretary Melvin Laird and his spokesmen at the Pentagon hit the Soviet gong often and hard. But it fell to McCloskey, a deft and experienced purveyor of the official line, to handle the nuances of the game devised for him and other administration spokesmen in daily consultations at the White House. The problem was to make the most of a suggestion of Soviet responsibility without letting it grow into provocative accusation that might offend the Soviet government beyond endurance and imperil President

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Nixon's trip to Moscow in late May. McCloskey didn't have to volunteer further digs at the Soviet Union. Once he had manufactured the issue with his original remark, the reporters kept it alive with questions.

When he was asked whether the trip was in jeopardy, McCloskey first answered: "There is no reconsideration of the projected visit of the President to the Soviet Union." In subsequent replies, after further consultation at the White House, he took a subtly qualified line that left open the implied possibility that the President might call off the trip if Soviet behavior in the meantime and Soviet attitudes to be expected in Moscow didn't suit him. A typical answer in the reconsidered phase was, "I have no reason to understand [that] the preparations for the trip are not going ahead as planned and I have no reason to expect that it will not take place as scheduled." An advance party would be going to Moscow ahead of the President, but a date for its departure hadn't been set and it would be "low level . . . not at a policy level." A daily question put to McCloskey was whether the US government had officially complained or intended to complain to the Soviet government about its military aid to Hanoi. His standard reply—"I don't know the answer to that at this point"—left that possibility similarly open without committing anybody to anything. An admission that the US didn't have much to complain about was implicit in one of the exchanges. McCloskey was asked, "Have we had a tacit understanding with the Soviet Union that the heavy equipment supplied Hanoi would not be used below the Demilitarized Zone?" and he answered "No." Asked again why he had brought up the matter of Soviet supply, especially since he had boasted that US intelligence services had been "on the money" in foreseeing the attacks, he said that he had brought it up because "it was a statement of relevant fact that we thought it was important to know and to say publicly."

At the White House, the President's staff spokesmen went to comical lengths to keep him detached from the exercise during its first seven days. Their refusals to acknowledge that he was directing the military response to the North Vietnamese attacks, much less setting the propaganda line, invited but didn't elicit from the press a question as to whether he had abdicated to others his duties and responsibilities as the nation's Commander-in-Chief. Of course he hadn't, and he cut through the flimflam at the State Department on April 10 when he signed a convention barring the use of bacteriological weapons. In the presence of Soviet Ambassador Anatoliy Dobrynin, the President made occasion to say that "every great power must follow the principle that it should not encourage directly or indirectly any other nation to use force or armed aggression against one of its neighbors." Press Secretary Ronald Ziegler said afterward, "I am not going to assist you in applying those remarks." No assistance was needed: the President's statement capped the week-long indictment of the Soviet Union and effectively identified him as its author.

A cynical explanation could be that Richard Nixon, the avid anti-Communist and Red-hunter of bygone years, simply couldn't pass up the opportunity, even in this year of climactic conciliation, to have another shot at Moscow. Maybe there was a bit of that in it, not to mention the President's dire need for any line that could divert attention from the fact that after seven years of intensive American involvement in the Vietnam war and three years of Nixon Vietnamization the North Vietnamese still had the strength to mount a formidable offensive and the South Vietnamese still required a prodigious amount of supporting US firepower in order to survive. But there is a more generous and probably more relevant explanation, one that better fits the pattern of expressed Nixon attitudes toward the Soviet Union since he opened his "era of negotiation" in 1969.

The record demonstrates that the President takes pleasure and sees value in his endeavor to instruct the Soviet leadership in the conduct that he thinks fitting for a great power. In the three annual summations of his foreign policy that he has issued to date, his references to the Soviet Union are replete with the kind of admonitions that he addressed to Moscow on April 10. Henry Kissinger, his staff adviser, subscribes with fervent enthusiasm to the theory that these preachments do some good and is the framer of many of them. In a press briefing last December 7 that was supposed to be off the record and got on the record, Kissinger set forth as follows the precept that he and Mr. Nixon would like to impress upon the Soviet Union: "We believe that the basis of a peaceful evolution with the Soviet Union requires that both countries [meaning the USSR and the US] exercise great restraint in the many crisis areas around the world and that they both subordinate short-term advantages to the long-term interests of peace." This was said during the India-Pakistan conflict, in the course of which Kissinger inspired a news report to the effect that the President's Moscow trip might be cancelled and "the entire US-Soviet relationship" might have to be reexamined if the Soviet government didn't stop exploiting the situation for its own benefit. On April 10 and in the preceding week, he and the President were saying to Moscow that in the US view the Soviet government was again playing for "short-term advantage" and again risking a rupture with the United States by continuing to support and encourage Hanoi's prosecution of the war. What seemed to many people to be frivolous and dangerous reversion to Cold War semantics was, in the estimate of the President and his adviser, a serious and necessary effort to condition the Soviet leadership for a productive meeting with Mr. Nixon in May.

John Osborne

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Recharging the Movement

Harrisburg DMZ

All's quiet along the DMZ in Harrisburg, Pennsylvania. Along the DMZ in Vietnam, the war burns brightly. The juxtaposition of these two trials—the trial of arms by proxy warfare, in which, paradoxically, Americans are the mercenaries of the South Vietnamese, and the abortive conspiracy trial by the Justice Department, that depended on the testimony of a paid FBI informer with an unsavory record, who failed to convince a jury of middle Americans—has served to bring the war and the antiwar movement to the forefront after both had been declared officially over. Antiwar protests will increase this month and next, now that the government's case has not been proved.

This is the meaning of the trial of the Harrisburg Seven. The ten counts of the government's indictment never once mentioned the word "Vietnam." Not even the "plot" to kidnap presidential security adviser-tilter Henry Kissinger or to vandalize draft boards had a specified purpose. The prosecution and the judge in the federal district court emphasized that the war had nothing to do with the case. The jurors were told that they were only supposed to regard the nuns and priests led by the jailed Philip Berrigan as indicted conspirators, without looking into their religious backgrounds or their motivations as antiwar activists.

Watching this trial of silence unfold, an observer had a strange feeling that the courtroom was immunized from what had been going on in the last decade. There was a sort of deadpan humor in the fact that the sequestered jury could not watch—to avoid unwholesome influences—TV talk programs, cops-and-robber dramas and "The FBI." Even the fact that Dauphin County, where the trial took place, had suffered 50 casualties in Vietnam could not be revealed.

The defendants were not permitted to express themselves in court on the larger issue of the war. Nevertheless, they and their supporters in "counter trials" outside issued statements linking their zone of combat to the shooting war. And sometimes it was possible for ideas to break through the wall of silence. In a private communication from his prison cell to this writer, received just before the mistrial verdict, Father Berrigan expressed some of the views that he was barred from presenting in open court:

"As in previous trials, the government will do everything in its power to inhibit or smother the issue of intent. We destroyed draft files and acknowledge this publicly. I waited around twice for arrest—because of the war and the need to resist its barbarity. Since the government will allow no official machinery to test either the constitutionality of the war or its criminality, resisters must not only resist their indictments as well as they can but do everything they can to illustrate the real criminal, the US government. . . . The war itself is not getting sufficient hearing in the country because Democratic hopefuls and the antiwar movement are not sufficiently emphatic about it. U Thant once made a remark that sticks with me: 'If the American people knew the true facts of this war they would stop it.' No sane person would hold the government responsible for communicating the true facts—that would be fruitless. The church, then, and the campuses must do so, though the credibility of both has suffered nearly as grievously as the government's. And the antiwar movement, as it struggles to understand that stopping this war is going to be expensive to decent people—just as, once it's stopped, securing peace will be expensive."

The Harrisburg jury would not buy FBI Director Hoover's 1970 charge that the defendants conspired to blow up Washington heating ducts, kidnap Kissinger and destroy draft files. It merely found Father Berrigan and Sister Elizabeth McAlister guilty of smuggling letters without a federal warden's permission—a minor victory for such a major and costly government anti-dissent case.

It is possible that there will be further legal spinoffs. The broad concept of what constitutes a conspiracy—at what point ideas and even fantasies can be escalated by informer provocation and electronic surveillance into indictable offenses—will bear fresh examination by Congress and the courts. Already there has been some loosening of methods for communicating with federal prisoners without warden censorship. Through the efforts of a brilliant team of *pro bono* attorneys for the defense, prison and parole reforms affecting the brothers Berrigan and others have been articulated.

But the main result of the trial of the Harrisburg Seven was exactly the opposite of what the administration hoped for. Instead of turning these antiwar dissidents into arch-criminals, the trial's outcome served to recharge the antiwar movement. The renewed fury of the war proves that the convictions of those who suspected that the war was not yet over, and who have continued to resist it, can hardly be considered far-fetched. And so Father Daniel Berrigan's words have new meaning today: "Our apologies, good friends, for the fracture of good order, the burning of paper instead of children.

Herbert Mitgang

Mr. Mitgang *is the author of a new political novel,* Get These Men Out of the Hot Sun.

COMING: crime in the suites—by Ralph Nader and Mark Green

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Rusty Pipes and Flammable Clouds

The recent gas-main explosion in the Washington, DC suburbs, which killed a mother and her two youngsters, again raises questions about the safety of gas pipelines. There are more than a million miles of them strung out beneath the country, and each year more than one thousand accidents occur when pipes blow up. The accidents are on the increase, and the situation is likely to become more critical because of the great demand for gas, which places additional strains on existing equipment. Gas is a relatively clean fuel, and industry, which consumes most of it, is under pressure to use more because of air pollution. At the same time, the gas industry insists gas is in short supply, and while it claims to be looking hard for new supplies, neither the gas men nor the government believes there will be enough gas to meet demand.

As a partial solution, the Federal Power Commission, which regulates interstate gas shipments, is permitting increasing use of synthetic gases, the most common of which is made from coal. Another short-term alternative is LNG, or liquified natural gas. Existing technology makes it possible to capture natural gas, then, in effect, freeze it and place it in a compacted form in specially built cryogenic tankers for long-distance shipping. LNG opens up an entirely new trade, making it possible for hard pressed US utilities on the East Coast to import gas from the Middle East and Asia, as well as Louisiana and Texas.

But LNG presents peculiar problems of its own. While the dangers of an oil spill at sea are well known, there is little information about a possible LNG spill. What happens if one of these new ships collides or breaks open, spilling out the liquified gas? According to recent studies, yet unpublished, by the Bureau of Mines, there is some reason to regard these new ships as floating bombs. The most recent research concludes that in a spill, the odorless, colorless gas would pour out of the ship, at first forming a flammable layer along the top of the water, then dissipating into an even more dangerous, flammable cloud. While the bureau experts don't want to alarm, it's not difficult to visualize the dangers, should an LNG tanker collide or break open in, say, New York harbor.

There is little experience in dealing with LNG. But the Bureau of Mines specialists remember what happened in Cleveland during World War II, when an LNG storage tank opened and burning gas poured into the streets and down into the sewers, causing explosions and killing 128 people. Flames reached half a mile into the sky.

The bureau, which makes its studies for the Coast Guard, attempted to simulate the conditions of a spill in an earlier test, reported in 1970. A little LNG was dropped into an aquarium, blowing it up. Then a larger quantity of gas was hoisted up in a crane bucket and dropped over a pond. That resulted in a series of thumping explosions. The report concluded, "Unfortunately, the study raised questions on one aspect of the problem for which no answers are yet available. Small-scale explosions occurred when LNG was poured onto water; no explanation can be offered that these explosions could not scale up to damaging proportions in a massive spill." Since the 1970 research, however, both the bureau and the oil industry say they are less concerned about spills. Shell, which did a recent study of explosions in spills, said there was no cause for alarm. (Shell incidentally is building a navy of LNG tankers; more than half a dozen of them are on order.) Still, that leaves the flammable cloud potential which the Bureau of Mines *is* concerned about.

One LNG tanker now calls at Boston, bringing in gas from Algeria to Distrigas Co. Other shipments pass through lower New York harbor on their way to the oil and chemical complex along the Arthur Kill at Staten Island. If El Paso Natural Gas Co.'s current proposals are approved by the Federal Power Commission, half a dozen tankers will be constructed to import Algerian LNG to East Coast ports. While there was initial resistance by domestic oil and gas producers to importing LNG, the pressure for gas is so intense that the Federal Power Commission in a recent 3-2 vote virtually opened the door for long-term unrestricted imports. They authorized 14 shiploads of LNG a year for 20 years from Algeria for Distrigas. (Distrigas is owned by Cabot Corp. of Boston.) The LNG will be delivered to facilities to be built at Everett, Mass., and Staten Island, New York. The Soviets may be shipping LNG to the US, too. They have vast gas fields in Siberia and are actively marketing gas in Europe and elsewhere. President Nixon is expected to discuss this prospect when he goes to Moscow next month. In addition, there are plans to import LNG from Libya, Nigeria and Venezuela. Shell's tanker fleet will carry gas from Malaysia and probably Australia to Japan. Tankers already carry LNG from Alaska to Japan. And there is some trade in LNG from North Africa into southern Europe and to Great Britain. Because of the great demand for gas, the willingness of the public to pay a higher price, and the shortage of domestic supplies, the new trade is likely to blossom and become a staple of ocean commerce, involving unresolved risks.

Forty-five people were killed in explosions caused by gas-main leaks and 391 were injured in 1287 accidents during 1971, according to the Transportation Department's pipeline safety office. In 1970 there were 22 deaths, 218 injuries and 1019 accidents. (DOT is holding discussions this month in Washington on pipeline ruptures and explosions.) Most of these accidents occur when construction crews are at work around existing gas lines, pulling or stretching the underground pipes, causing undetected leaks. Benjamin O. David, Jr.,

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of the Department of Transportation, attributed two-thirds of all pipeline accidents to outside forces—usually road construction or other excavation incidents.

But according to officials at the Federal Power Commission, who don't care to be identified, gas pipelines are much more dangerous than generally believed because of complex, and ironic technological developments. In most of the older eastern and midwestern cities—New York, Boston, Baltimore, parts of Washington, Cincinnati, Atlanta—many miles of gas mains are made of cast iron pipes. These mains were installed before World War II, when gas was made from coal. In those days, the manufactured gas was injected with steam. The moisture helped to keep the joints in the gas mains tight, preventing leaks. With the introduction and widespread use of dry natural gas after the war, gas companies had to devise a scheme to keep the joints of the old pipes moist, and thereby ensure that they stayed tight. In some cities—Boston and Baltimore for example—local gas companies injected moisture into the natural gas to achieve this purpose.

But the moisture increases iron oxide corrosion inside the cast iron pipes, and that corrosion, in turn, has other undesirable effects. The iron oxide mixes with a sulphur agent called mercapton, put into the gas to give it an odor so that people can smell a leak. In the process of mixing, the iron oxide neutralizes the odor. That means in some places gas is going into homes and commercial establishments with reduced or barely detectable odor, thereby increasing the possibility of serious leaks, explosions and fires. While this is taken seriously by the gas industry and by the Federal Power Commission, there is a reluctance to bluntly face the possibilities. Since the FPC deals only in interstate shipments of gas, its officials don't want to talk about what goes on locally. The Office of Pipeline Safety has control over interstate pipeline safety matters and requires reports of gas-main breaks, but it too acknowledges its reports are not complete. Inquiries in Baltimore, one of the cities with old pipes, were fruitless. The Maryland Public Service Commission says it does not check odor level in local gas mains, and at any rate, the commission says that's the company's problem. (In this case, Baltimore Gas & Electric.) The Maryland commission said it would only make an odor check if a customer called and registered a specific complaint. If what the FPC officials say is true, the customer would be dead by then. The Baltimore fire department does not keep records showing types of explosions, so there is no way to know whether people there already have been injured or killed by exploding odorless gas.

The two different sorts of gas safety issues I have sketched seem sure to become much more critical as the ocean commerce in LNG is established, and as the cast-iron gas pipelines in the older US cities decay.

James Ridgeway

High Hurdles Ahead

Can Muskie Do It?

by Paul R. Wieck

Harrisburg

The Muskie campaign, a highly placed Pennsylvania Democrat confided, is "a bore." His media stuff, both TV and radio, "isn't usable"; scheduling is bad; there's no "pizazz." But Gov. Shapp's prestige, not to mention that of a raft of powerful county leaders, is on the line and has to be salvaged April 25. Shapp's people are confident it can be done but lace their hopes with "ifs"—*if* they have a hand in scheduling, *if* better media material is forthcoming, *if* they can inject some excitement into the campaign. If Shapp's men can't pull it off in Pennsylvania and Muskie goes down in Massachusetts the same day, it will be time for him to bow out, leaving only three major contenders—McGovern, Wallace and Humphrey. The odds this will happen can't be better or worse than 50-50.

Not many weeks ago, Muskie's managers were whispering the details of a grand strategy into the willing ears of the luminaries of the party's liberal wing from coast to coast. It called for a sweep of the early primaries. Ironically, the scenario climaxed with a double-header in Pennsylvania and Massachusetts on April 25, the day Muskie operatives now anticipate with fear and trembling. It was fashionable in Muskie circles in those earlier days to explain that the nomination wouldn't be worth having if it couldn't be wrapped up quickly, that the candidate has to "run like an incumbent" with the detachment of a man already in power, surrounded by a coterie of the best

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political brains, making himself available on occasion to the people for their approval. After all, that strategy worked for Nixon, didn't it?

Was this a decision of the advisers, or one molded to fit the candidate's style and the limits of his own commitment? One suspects the latter.

Take scheduling. The incumbent's role suited Muskie fine. Unlike Humphrey, he doesn't operate on three sets of glands nor does he have the dogged persistence of McGovern. He tires easily. He demanded—and got—two-and-one-half hours in the afternoon to himself. Time on the plane didn't count. Airport rallies, designed to rouse the faithful to greater efforts and convey a sense of excitement on the evening news, were frowned upon.

Of course the candidate was not idle. Unlike Henry Cabot Lodge in 1960, Muskie doesn't change into his pajamas for an afternoon nap. Yet I was struck on a recent two-day swing through Pennsylvania by the leisurely nature of the schedule. We left at a very reasonable hour—8:15 a.m.—for Pittsburgh where Muskie did a TV interview, opened a headquarters and met with some money people before leaving for Harrisburg. There, he met with Shapp and some of his entourage and held a press conference with the governor. He stayed on for dinner and more talk, but his official schedule was over by 6 p.m. The next morning, the hour of departure was again reasonable—something like 8:45 a.m. In Erie, Muskie looked at a sewage treatment plant, made a statement on pollution and headed for the airport and Wilkes-Barre. There, he went into town for a TV interview before leaving for White Plains, NY, for an evening speech. True, a lot of strategy was discussed. But the public exposure three weeks before the primary was minimal.

In 1968, Muskie demanded a new speech at every stop. It was a matter of personal pride. Four years later, in a crowded primary situation, that can't be done. Specific stands on issues have to be repeated, over and over in concise, preferably catchy terms. Muskie has failed on this point. As a result, he's frequently criticized as fuzzy, which he is not. But why does he seem to be? Take his performance in a Pittsburgh TV station where he appeared on a popular interview show that featured call-ins from listeners. Their questions were predictable—state aid for parochial schools (he favors it), prayer in schools (he defends the Supreme Court decision). He gave reasoned answers, but he didn't tie any of them together with a phrase the housewife who called in could repeat over coffee with her neighbors later that morning. Nor did he show the kind of emotional concern a dissatisfied questioner demands. It was all very calm.

His speeches have the same quality, except when he's moved by some great moral issue. He has the manner of a responsible incumbent. But the voters, fretful to the point of alienation, want that turn of the phrase that characterizes a popular orator. One is told that Muskie has now agreed to give the same speech over and over. Airport rallies will be in. His radio and TV appeals will be worked over, transformed into something sharper than the candidate's reasoned, drawn-out comments on issues.

It may be too late. The voters may already have an unalterable "fix" on Muskie. It may take a lot more than tinkering with style and revising schedules to restore him to the position he once held—that of the candidate acceptable to the widest constituency and, thus, the one with the best chance of beating Nixon. A discerning friend of the writer's insists this is the case. Just back from a three-week trip by car to the West Coast, he called to say: "Tell Muskie not to waste another cent. It's all over. All you hear from coast-to-coast is his tears on a Manchester street corner." Whom do they favor? There's a lot of Wallace talk, and some for McGovern.

One of Shapp's aides listed three reasons he thinks Muskie can be salvaged in his state: First, the Muskie delegate slate was put together in January when his candidacy was at its peak and a significant number of the party's powerful local leaders, including City Chairman Peter Camiel of Philadelphia, are on it along with Shapp. In short, a lot of organization people are "locked in," and they, like the governor, have their interests to protect. (Philadelphia's Democratic Mayor Frank Rizzo is backing Nixon!) Second, Shapp, despite disappointment with Muskie's strategy, which he has voiced publicly, hasn't backed away. Instead, he called in 30 of his top men from around the state to meet with the candidate when Muskie visited the mansion on his recent trip. Finally, Shapp's people are convinced the party doesn't have a "viable alternative." Humphrey is viewed as "a retread who can't win in November." McGovern is written off as "a nice, courageous guy." Following this reasoning, they hope a lot of people will wake up April 25 and decide it's time to revive the Muskie candidacy, so that the Democrats can have a real shot at Nixon in the fall.

As it turns out, Muskie's best break this season is his head-on confrontation with Humphrey in Pennsylvania. Humphrey's the early favorite. He carried the state comfortably in 1968, largely because his old friends in labor put it together for him in the closing weeks. They're with him again—at least at a leadership level. A straw poll at the AFL-CIO convention gave him 83.7 percent to 10.6 percent for Muskie; at the 5-state regional COPE (Committee on Political Education) convention in Philadelphia in March, Humphrey was the preferred choice of 74.6 percent. He has just been endorsed by the state's powerful steelworkers union. Beyond this, he has strong support in Philadelphia's huge black community, which controls at least two senatorial districts (delegates are being elected at that level) and strongly influences a third. He doesn't fare as well among the politicians;

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he has the ones who are out of power, such as ex-Mayor Jim Tate and ex-Gov. George Leader. It adds up to formidable strength, *if* Humphrey's friends can deliver. Another "if." One is reminded of Wisconsin, where the labor leadership swung behind Humphrey and Muskie. But if the McGovern precinct analysis is accurate, a solid 50 percent of the rank-and-file broke for McGovern and Wallace.

Humphrey's Pennsylvania strategy is aimed at preventing this. Early reports on his schedule find him concentrating on southwestern Pennsylvania, a stronghold of the steelworkers and an area Humphrey must carry strongly if he's to win the nonbinding preferential primary and also win a majority of the 137 delegates to be named separately (preferences of delegate candidates are listed on the ballot).

The really good news for both Humphrey and Muskie as they battle for position is the decision of Wallace not to campaign extensively in Pennsylvania (he has only four candidates running for delegates) and McGovern's decision to concentrate on Massachusetts, leaving only four or five days for Pennsylvania suburban and academic areas, districts that can provide 20 or 30 delegates, and perhaps a few more if McGovern catches on in Pittsburgh where the Democratic party is without the cohesive leadership it once had.

The wisdom of the McGovern decision to limit his Pennsylvania effort to a few days, spending next to nothing on the media, is questionable. The Muskie campaign is a salvage operation, even though Shapp and key political leaders have a lot at stake and will work hard to deliver a majority of the delegates (both Muskie and Shapp carefully avoided predicting a majority in the preferential voting which doesn't bind the delegates). Moreover, Humphrey's poor showing in Wisconsin could mean his appeal is limited to old friends, the black community that trusts him, and voters over 50 who don't see him as a has-been. If the Wisconsin pattern fits Pennsylvania, a good deal of the labor vote could be taken away from Humphrey, along with a substantial bloc of the young, middle-class black vote in Philadelphia where some of the leaders of the Black Political Caucus are not only backing McGovern but are on his delegate slate.

Under these circumstances, a strong bid in Pennsylvania, backed up by a strong media campaign, might give McGovern the upset he needs to vault him into the frontrunner position.

McGovern's concentration on Massachusetts reflects a cautious management determined not to fall into the trap the Muskie managers laid for themselves by spreading their money, manpower and time too thin in early primaries. Go after the one that looks the best, wrap it up and go on from there. That may be the smart thing to do but there are people in both the Muskie and Humphrey headquarters who would shudder at the prospect of a Wallace or a McGovern invading the working class precincts of Pennsylvania in the next few days.

To the congenitally optimistic George McGovern, it doesn't seem to matter. In Philadelphia, he predicted he'd be ahead in the delegate count once the votes from Massachusetts (102 to be elected) and Pennsylvania are tallied. Since he's now just a couple votes behind Muskie, it reflects a conviction he'll clean up in Massachusetts and do well enough in Pennsylvania.

McGovern has devoted a lot of energy to nailing down the well-organized peace forces in Massachusetts, a vote located largely in the suburban ring around Boston and on the college campuses. It gives him an edge in a couple suburban districts on the first ballot (delegates are bound by the winner in each congressional district, with 10 delegates going to the at-large victor). In the closing days of the Massachusetts campaign (at last report, McGovern planned to give the state eight-and-one-half days just before the primary), he'll bear down on the blue-collar communities—Boston, Fall River, Worchester, Lowell, Lawrence, Springfield. If he scores all across the state with a coalition of antiwar and blue-collar votes, it will be hard to deny his viability, at least in the Northeast.

The Muskie story in Massachusetts differs only in detail from Pennsylvania. Instead of an incumbent governor, Muskie has four or five would-be candidates on his slate, all signed up before the decline set in. A month ago, the knives were out as they jockeyed for front positions on a Muskie bandwagon. Today, all are content to turn the work over to a savvy old-time pol named Jim McIntyre.

Not so long ago, Muskie was a prohibitive favorite in Massachusetts, and he may still win it. There may be a strong residue of good feeling for a New England neighbor in trouble that can be utilized by Muskie's key backers—Mayor Kevin White of Boston, Rep. Mike Harrington, Attorney General Robert Quinn, Mike Dukakis, four of the gubernatorial aspirants.

In fields as crowded as the ones in Wisconsin or Florida, every ideological quirk was represented and there was little chance for Muskie to build out from center. In the aftermath of those two primaries, the Muskie people have been wistfully saying their man is "everyone's second choice." Now, in Pennsylvania and Massachusetts, Muskie is basically fighting one-on-one battles with Humphrey and McGovern, respectively. At least in Pennsylvania, Muskie also has the best grass roots organization of his campaign plus deep commitment on the part of staff members turned volunteer through lack of funds. There will be no excuse if Muskie doesn't score on April 25.

An even break in the two states would keep Muskie alive without eliminating either of his opponents, so everyone would have to pack up and leave for Ohio for a repeat, while Wallace is allowed to roam through

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Indiana with only Humphrey as competition. For Humphrey, who's never won a presidential primary in his long career, Pennsylvania becomes critical after his poor third place showing among his neighbors in Wisconsin. He needs a good boost before heading for his own double-header in Ohio and Indiana.

It's different for McGovern. He could survive moderately poor showings in Pennsylvania and Massachusetts in the sense that his people will go on working for him right up to the convention and will be picking off more than their share of delegates in the convention states, as evinced by last week's results in Virginia and Kansas. In Virginia, the McGovern forces claim one-third of the state convention delegates; in Kansas, they claim control of two of five congressional districts based on strong showings in Wichita and Kansas City.

The late April primaries are vital. A lot of delegates are going to be chosen at state conventions in the weeks ahead, and there are hundreds of uncommitted people running around those conventions waiting to be wooed.

For Muskie, wins in Massachusetts, Ohio and Pennsylvania could bring in dozens of delegates from other states, whereas only moderate showings will not shake many of them loose. Humphrey and McGovern have the same problem.

All the candidates share, to one degree or another, one final worry—money, or the lack of it. A party that's not only broke but in debt can't keep on financing a half dozen major candidates. Already, the shortage is curtailing their activities, as in the case of McGovern in Pennsylvania. Muskie's staff has gone off the payroll already. Humphrey is scratching about Washington looking for people to raise money for him, and rumor has it Jackson has blown the $400,000 his supporters advanced him and there isn't any more where that came from.

Congressional Campaign Contributions

Harder to Conceal

by James R. Polk

Congress is awakening suddenly, painfully to the impact its new campaign reform law is going to have in opening up its own political pocketbooks to the voter's view. For the first time, candidates for the House and Senate face a strict disclosure law that requires public reports designed to catch all contributions of more than $100 and to identify the donors not only by full name and address, but by job title and company. Many congressmen already are aghast over what they have wrought. "We may be entering a 'prohibition era' of politics—everybody trying to think up devices to get around the law," says a Democratic fund-raiser for the House.

From a congressman's perspective, there is good reason to be worried. House incumbents probably are more susceptible to special-interest money than anyone else in Washington. And if the issue is raised in a campaign before the voters back home, it can be a touchy threat.

A congressman doesn't have the broad fund-raising appeal of a presidential or senatorial candidate. It's likely he paid much of the cost of his first campaign personally. With seniority, however, more and more of his campaign contributions tend to come from special interests in industry, labor and Washington lobbying circles. For investors in today's high-priced political market, a check for a congressman is still a bargain, whereas in a $30-million White House campaign, it is difficult for a donor to make a dent unless he can come up with something like the $300,000 the dairy industry piped into clandestine committees for President Nixon last year. In a House race where the average cost may be $50,000, a lobbyist's check for $500 or $1000 will be remembered, at least until the next election.

What is at stake for congressmen in the new disclosure law can be seen in the 1970 campaigns of two

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House elders: Republican Leader Gerald R. Ford of Michigan and Rep. Wayne N. Aspinall (D, Colo.), chairman of the House Interior Committee. Aspinall's race cost $50,000, fully 79 percent of which came from checks and fund-raising affairs outside his Rocky Mountain district. In numerous cases, the contributions were linked with the oil industry, mining and lumbering—all affected by legislation his committee handles. Aspinall got nine individual checks from Kennecott Copper executives in New York City, seven others from Humble Oil in Houston. Other executive outpourings were traced to Shell Oil, Martin Marietta, American Metal Climax and Oil Shale Corp. From Washington, DC came checks from lobbyists and officials of Atlantic Richfield, Dow Chemical, Union Oil, the tobacco industry and Burlington Northern railroad. The executive vice president of the Western Wood Products Assn., in Portland, Ore., chipped in. So did a political fund at Southwest Forest Industries, Inc., in Phoenix.

The names of these contributors could be traced only because Aspinall, unlike most other congressmen, filed a full report voluntarily with the House clerk in 1970. Even then the listings included almost $19,000 from "Friends of Aspinall," a "Tribute to Aspinall," and an oil and gas industry luncheon where the donors weren't identified.

Ford's money sources were similar. His Michigan race cost $40,000, 75 percent of it raised outside his Grand Rapids district and regular GOP channels. One check for $2000 came from an executives' fund at Ling-Temco-Vought (LTV) in Dallas. Another defense contractor, Teledyne-Ryan in San Diego, sent checks from nearly a dozen employees. Washington lobbyists for gun manufacturers, a shipping line getting government subsidies, and the airline industry also showed up in campaign records. A lobbyist for the trucking industry headed a DC committee for Ford, which raised $4500 from unnamed donors.

Ford tried to mask part of the money from public view by turning over a batch of checks he received to the Republican congressional campaign committee. The party then sent a matching amount in its own name to Michigan to help pay Ford's campaign bills. Disguised this way was $5000 for Ford from a Wall Street fund, $2000 from a banking group and $3000 from a New York oil executive.

Such special-interest money for congressmen is not necessarily tainted by outright corruption. Rarely can it be construed as anything so crass as a bribe. Instead, the campaign checks help sustain a fraternalism that may do more to undermine democracy in the long run than any short flareup of scandal. A money-handler in the oil industry put it bluntly in an interview last year: "We're not trying to buy votes. We're trying to buy an entree to talk about our problems." And so might ITT say.

For years, major corporations have given political comfort to senators and congressmen by using voluntary executive funds set up within a firm to collect contributions from company officials and relay them to candidates. Unlike labor unions' political funds, most executive groups failed to make public reports under the old law. Executive funds are known to exist in varying forms at a long list of companies, including defense contractors such as McDonnell Douglas, Olin, General Electric and Northrop; large industrialists such as Union Carbide, US Steel, Union Oil and 3-M, and big banks like Wells Fargo in San Francisco and Union Bank in Los Angeles.

LTV's Citizens for Good Government (CITIGO), for instance, passed out an estimated $100,000 in the last election without making any public disclosure. Its money turned up in congressional races in West Virginia, Ohio, Texas, Michigan and elsewhere. Olin, Union Oil and Union Carbide each gave in more than 22 states.

The new disclosure law is expected to bring most of these funds out of the corporate mists. "I think it's a good move," says one money manager. "There has been so much controversy and talk about this that it's better to lay it out in the open," said an official at another firm. But neither the congressman nor the companies may be willing to tell the public everything. As tight as the new reform law is, a loophole is still

Spirit of '72

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left for those who seek subterfuge.

Richard Armstrong, director of the Public Affairs Council, described the evasion in a memo to his group's members, which include officials of Humble Oil, General Motors, IBM, US Steel, R. J. Reynolds, and numerous other firms: "Another possible dodge. For years many corporate committees have contributed political funds through four campaign committees (Republican senatorial, Republican congressional, Democratic senatorial and Democratic congressional). To some extent this has been a 'smokescreen.' Customarily, they will 'trade checks' with you. (*i.e.*, you want to give $500 to Congressman X's campaign. But you do not want to report it and do not want him to report it. Therefore, you make a contribution to the Congressional Campaign Committee of $500. The Campaign Committee makes out a check to Congressman X. They even let you deliver it.) So, it may be possible for a political fund to file a report simply saying that it gave equal amounts to each of these four committees. On the surface, it would appear that the fund just wanted to help everyone. Actually, *every nickel could be directed to specific candidates.*" (Armstrong's emphasis)

In political circles, this two-step shuffle of checks is known as "earmarking" of contributions. Observers expect the practice to skyrocket this year as the easiest way worried incumbents can hide the sources of campaign cash. Kenneth T. Harding, director of the Democratic National Congressional Committee, said at first, "I'm not going to be just a water boy for these special interests." Then he added, "I'll do everything to be of assistance to a member helping him with his campaign." His Republican counterpart, John T. Calkins, said, "If it isn't illegal, and it isn't, I don't see how we can refuse to do it—swap checks with them."

It is tempting to compare earmarking with organized crime's practice of washing dirty money by moving it through a legitimate business front. The cleansing effort to evade public disclosure will be all the harder to trace this year, because state party committees can be used as conduits just as easily as Capitol Hill committees. An example: in 1970 the Bankers Political Action Committee (Bankpac) reported it was giving $5000 to the DC committee for Sen. Harrison A. Williams (D, NJ), a conferee on a bank regulatory bill pending in Congress. Faced with publicity, Williams refused the check. Later, Bankpac routed two checks for $7500 to the New Jersey Democratic State Committee. From all appearances, they went to help pay Williams' campaign bills.

One political arm in financial circles, which plans to funnel an impressive $500,000 to Senate and House incumbents this year, has found a more subtle form of earmarking to conceal where its money is going. "We send a letter to a congressman saying the board has voted to give $1500 to the Republican (or Democratic) Congressional Committee and asking him if he would deliver the check," says an official of the fund. "We have no interest in where the money goes. But he sure does. We know he's not going to leave there without that money." On Capitol Hill, a party campaign director confirms that one congressman's aide brought the first such fund check in for exchange the day before the new law took effect.

Dozens of Senate and House incumbents beat the April 7 starting date with a final fling for their DC committees, set up in Washington where the old law's loopholes let them avoid listing donors. For instance, Sen. John J. Sparkman (D, Ala.), chairman of the Senate Banking Committee, used a "Good Government Committee" and a "Citizens Committee for Better Government" to raise money from banking, finance, housing and other business backers for his reelection race. On a larger scale, President Nixon's campaign forces apparently have collected millions of advance dollars from unnamed contributors. Some of this money will show up when campaign committees have to list the "cash on hand" as of April 7 in their first public reports. A few candidates, however, already have danced around this disclosure, too. The director of one of the party campaign committees on Capitol Hill says that three or four incumbents called him in the last 48 hours before the law took effect and asked to transfer their advance holdings to his party fund so the money wouldn't be found in their "cash on hand" total. It will be routed back to them as an apparent party donation later in the campaign.

A few other evasions are possible to outwit the new law. Candidates can use a series of small campaign committees handling $1000 or less to avoid reporting. Companies can send a string of contributions of only $100 from different executives to escape the listing. Or money can be poured into fund-raising dinners where only totals are given as long as separate names are used for each purchase of a $100 ticket.

On balance, however, the Federal Election Campaign Act is more law than loophole. Faced with the strict record-keeping demands and the detailed disclosure of donors, both congressmen and money givers are already talking about changes, using such words as "clarify" and "modify." A better word might be "nullify." Several proposals to loosen the law already are pending in Congress. "It's a monster," says one campaign pro, who predicted the tight disclosure requirements would survive only one election.

Congress passed the reform package last winter when the emphasis was on its curbs on radio-TV spending in political races. Russell Hemenway, director of the National Committee for an Effective Congress, which led the drive, says, "Our problem was educating the members without educating them too much. If they had known everything that was in the bill, it never would have passed." Now that they do know, the problem may be keeping the law on the books.

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What's Wrong with Nixon's Busing Bills?

by Alexander M. Bickel

What is needed, the President told Congress, is a precise, detailed, balanced and comprehensive attack on the problem of busing and of equal educational opportunity. And above all, "action now." The action recommended is enactment of two bills. One is a so-called moratorium bill, which, for a period of a little more than one year, would stay any court decree during that time which required, "directly or indirectly," the busing of a student who was not being bused immediately prior to the entry of the decree, or the busing of a student to or from a school to which or from which he was not being bused prior to the entry of the decree. The purpose of the moratorium is to freeze the status quo while Congress considers a second bill, aimed at establishing "a clear, rational, and uniform standard for determining the extent to which a local educational agency is required to reassign and transport its students in discharging its obligation under the Fourteenth Amendment . . . to desegregate its schools."

Entitled the Equal Educational Opportunities Act of 1972, this second bill falls into three parts. It has a number of declarative and admonitory provisions, which may have some atmospheric consequences, but no substantial, direct effect; it has a provision rearranging existing or previously proposed federal spending programs for schools; and it has a few provisions attempting to tell the courts what not to do, which if valid would make a difference.

The bill starts by announcing that the policy of the United States is that all children are entitled to equal educational opportunities, and that "the neighborhood is an appropriate basis for determining public school assignments." Its own purpose, the bill goes on, is to carry out that policy by providing federal financial assistance for educationally deprived students, and by specifying the remedies appropriate for the orderly removal of the vestiges of dual, segregated school systems. To carry out the first purpose, the secretary of HEW is required to concentrate funds authorized under the Elementary and Secondary Education Act of 1965, or proposed for authorization under the pending Emergency School Aid Act (a total, as of now, of $2.5 billion) in grants for the support of compensatory education programs amounting to about $300 per low-income pupil. The funds in question are at present spread quite thin and used for varieties of programs, not all aimed at low income pupils, and some indistinguishable from general educational expenditures.

So much for the first purpose. There follows, a recital of forbidden discriminatory practices in school assignments, which is a restatement, if not necessarily a comprehensive one, of existing law as the courts have declared it. Then the bill says, as the Supreme Court has also said, that racial balance is not required in the schools; but the bill adds this admonition: assignment of pupils to neighborhood schools is lawful, provided the school to which a child is assigned was not located where it is for the purpose of segregating students by race. Still in the admonitory mode, the bill would require that in formulating decrees in school cases that may directly or indirectly involve busing, courts consider the efficacy of a whole series of other remedies before resorting to any busing at all. These other remedies would include transfer of students from neighborhood schools in which their race is in a majority to schools in which they would form part of a racial minority, changing attendance zones, closing inferior schools and ordering the construction of new ones, ordering the establishment of magnet schools or of educational parks, and anything else which is "educationally sound and administratively feasible" that a judge can think of.

Now we get to the heart of the matter, a provision that would really have some bite. Courts would be flatly forbidden to require the busing of students in the sixth grade or below, if the average daily distance to be traveled by such students in the aggregate, or the average daily time of travel in the aggregate, would exceed the comparable averages for the preceding year, or if, with minor exceptions, the average daily number of students bused exceeds the comparable average for the preceding year.

Above the sixth grade, we are largely back to admonitions again. Courts would be allowed to exceed prior averages of busing, but only if "it is demonstrated by clear and convincing evidence that no other method . . . will provide an adequate remedy" for the existing segregation; and only if the busing decree is deemed a temporary measure, and also provides for "the development of a long-term plan," involving such other remedies as zone changes and construction

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of new schools, of magnet schools and of educational parks. And there is to be, even above the sixth grade, no busing at all that poses a health risk or constitutes a significant infringement on the educational process with respect to the students bused.

On the whole, these strictures against busing above the sixth grade are no more than admonitions, even if relatively more effective as such than other admonitions. They may make a judge think twice before ordering busing, but they need not change his mind. The requirement that busing orders be coupled with long-term plans can be met readily enough, though it is a curious requirement, since magnet schools and educational parks, which are likely to be the chief long-term remedies, generally involve busing.

So far then, the only provision with bite to it is the prohibition of what might be termed "too much busing" of children in the sixth grade and below. There is bite also, however, in a couple of further sections. One of these requires busing orders exceeding previous averages above the sixth grade to be stayed pending appeal to higher courts. Another would flatly forbid courts to ignore or alter school district—but not zone—lines, unless they find that the lines were drawn with the purpose of segregating children on the basis of race. All this, including the restrictions on busing below the sixth grade, is to apply not only to future court orders, but also to outstanding ones, which may be reopened at the behest of a school board, and are then to be modified so as to comply with this act. Finally, future decrees directly or indirectly requiring busing are to expire at the end of five years if they have been complied with in good faith during that period. All other future desegregation decrees are to terminate at the end of ten years, again if they have been complied with in good faith during that time.

Obviously, the moratorium and certain provisions of the second bill pose constitutional issues. I say obviously—even though the acting attorney general of the United States told reporters that he saw no difficulties—because of the plain attempt to govern judicial decrees in an area in which the courts purport to be applying the Constitution.

We may put aside the declarative and admonitory provisions. They do not constitute mandates to the courts. The five- and ten-year time limits on busing and desegregation decrees, while mandatory, also cause no trouble. The Supreme Court itself, near the end of its opinion in the *Swann* case, suggested that busing and like decrees were not expected to remain in effect forever. The hard questions begin with the provision that busing orders must be stayed pending appeal, since the Supreme Court held some three years ago in *Alexander v. Holmes County* that no such stays should be issued. Nevertheless, Congress may well be within its proper sphere of authority in requiring stays. The much graver questions concern the moratorium, the strictures against busing in the sixth grade and below, and the erection of school district lines into impassable barriers.

The constitutional validity of the moratorium Mr. Nixon proposes depends in the first instance on the constitutionality of the mandatory provisions of his second bill. When legislative moratoriums forgiving repayments of debts or of interest on debts for the time being have been upheld in the past they have been upheld on the ground that legislatures have power to regulate the property interests of creditors; not—short of the martial law situation—on any general ground that the legislature may temporarily stop a court from doing something that the legislature has no power to prevent permanently. Of course, if Congress can permanently forbid busing below the sixth grade or across district lines, it may forbid it temporarily. But if not, the question has to be whether Congress is doing something else, which is within its constitutional power, and which urgently requires the courts to stay their hands temporarily in order to enable Congress to achieve its end. (The declarative, admonitory and financial provisions of the second bill can scarcely be deemed urgently or even reasonably to require a moratorium.)

Unless the question is put this way, rather closely and with built-in qualifications, the argument in behalf of the moratorium, whatever its trappings, necessarily boils down to the claim that Congress always has plenary power to suspend enforcement of constitutional rights. But the "judicial power of the United States" is vested by Article III of the Constitution in the courts, not in Congress, and ever since John Marshall's decision in *Marbury v. Madison*, the judicial power has been held to be supreme over the legislative, so far as the application and enforcement of the Constitution is concerned. There is no evidence that Section 5 of the 14th Amendment, empowering Congress to enforce its first four sections, was meant to alter the relationship between the judicial and legislative functions as established by *Marbury v. Madison*.

Since the Court cannot be asked to guess what Congress might have in mind to do, or to deliver an advance, abstract judgment on the constitutionality of hypothetical future laws, I would think, moreover, that no plausible claim for the validity of a moratorium can be made unless the moratorium is attached to the very legislation that, in view of Congress, renders it urgent.

Everything hangs, therefore, on the validity of the mandatory provisions of the second bill. The strongest proposition supporting the constitutionality of these provisions—to which reliance on Section 5 of the 14th Amendment adds nothing—is that even where individual constitutional rights are in question, Congress, though it cannot overrule the judicial definition of the substance of those rights, has power to prescribe appropriate remedies for effectuating them, and

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to forbid the courts to employ other remedies. But the line between substance and remedy is not so clear as this proposition would have it. As the late Professor Henry M. Hart, Jr. pointed out, "the denial of one remedy while another is left open, or the substitution of one [remedy] for another is very different" from the "denial of *any* remedy."

In a companion case to the *Swann* case of last spring *(North Carolina State Board of Education v. Swann)*, the Supreme Court had before it a North Carolina statute that provided as follows: "No student shall be assigned or compelled to attend any school on account of race, creed, color or national origin, or for the purpose of creating a balance or ratio of race, religion, or national origins. Involuntary busing of students in contravention of this article is prohibited, and public funds shall not be used for any such busing."

The Court declared the statute unconstitutional because it operated "to hinder vindication of federal constitutional guarantees." Is there reason to think that Congress has any more power than the states to deprive the federal courts of a means that the Supreme Court has said may be essential for giving effect to the constitutional rights declared in *Brown v. Board of Education*? To be sure, Congress has power, which the states lack, to regulate the jurisdiction of federal courts, and to govern their procedure and their choice of remedies. So it did in the Norris-LaGuardia Anti-Labor Injunction Act of 1932, for example. But there it deprived courts of the power to grant a remedy historically viewed as extraordinary. The remedy ordinarily available was not affected. And in the vast number of its applications, the Norris-La Guardia Act was not concerned with remedies for the denial of constitutional rights.

The short of it, it seems to me, is this. The Supreme Court has held that there are cases in which the only effective remedy for school segregation is to order more extensive busing of children below the sixth grade than has been used before. If in such a case, having determined that but for the more extensive busing the segregation of schools would go unremedied, the Court should accept the command of Congress that it may not administer what it regards as the essential remedy, the Court will have accepted a more far-reaching limitation on judicial power, a greater qualification of the power of judicial review established by *Marbury v. Madison* than ever before in its history, greater than in the Reconstruction case of *Ex parte McCardle*, which is itself aberrational, and which in common with the late Professor Hart I read as a fairly narrow holding. Theoretically, to be sure, state courts retain power to order busing of any sort below the sixth grade. But the power of the Supreme Court to do so would be removed, as would that of lower federal courts, by a provision plainly aimed not at regulating jurisdiction, but at mandating a desired result. The power of Congress to regulate judicial jurisdiction has never been held to enable Congress to change specific constitutional results. It should not be, and cannot be—not consistently with *Marbury v. Madison*.

Much as I agree that the courts have gone substantially wrong of late in administering the rule of *Brown v. Board of Education* by tending to view mass integration as the be-all and end-all of school policy, I deplore as more destructive than the worst of busing the attempt to work such a reallocation of powers between Congress and the Supreme Court. I would deplore it even if I were convinced, as I am not, that no alternative course of action was available, that there was nothing but this last resort. And I would deplore it even if I were convinced, as I am not, that the institutional cost that the President is willing to pay will be incurred for the sake of a solid and thorough solution of the problems the courts have created. But the statute proposed by the President represents no such solution. Restriction of busing to average prior daily distances, times and numbers of pupils bused is a superficial and mechanical response to the problem. In the endlessly varying circumstances of hundreds upon hundreds of school districts, this solution is likely as often as not to prove a bad fit. In many places it will no doubt permit a great deal of shuffling about of pupils. In others it will permit enough to cause trouble, even though it will cut off some, quite possibly giving rise to inequities of its own. The truth is that if one addresses, as this legislation does, the symbol of the problem, which is busing, rather than the problem itself, one necessarily comes up with a solution that for the moment may be symbolically satisfactory, but that disguises, distorts, or misses a great deal of the real problem.

The problem nationally is that the schools—public as well as many financially pressed private ones—do not educate black and poor children very well, and that black and poor children are often concentrated—some say isolated—in certain schools.

It is foolhardy to insist on racial balance, which busing promises but all too often fails to attain, as the sole or even the principal remedy for these problems. But courts confronted with racial isolation in a school district that is doing precious little on its own to attack its problems will order busing, because there is not much else a court can do that will have an impact. And in most districts precious little is being done, one of the reasons being that federal programs for education are scattered, uncoordinated, spread thin, and at the same time over-administered from Washington; in a word, part of the reason is the incoherence of federal programs.

If the federal courts are told, as the President's proposals would tell them, to stop some of their busing, they can do so only by, in effect, eating their words, reneging on recent decisions, and accepting a major,

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permanent impairment, going well beyond the immediate problem of busing, of the power they have wielded ever since 1803. If on the other hand, instead of trying to order the courts to stop granting a certain remedy, we attack the problem that they are attempting to deal with, if we address the reality to which the courts are reacting, and manage to present courts in the future with school districts embarked on concerted long-range efforts of educational reform, then, without needing to renege on prior decisions and without any impairment of the general function of judicial review, courts will be able to say that they are now confronting a new reality, which no longer calls for the old remedies. In sum, trying to ward off busing by lashing out against it negatively can at best be only partly effective—and then at the cost of damage to our constitutional system—because busing is only a symbol of what we wish to ward off and change.

The problems of unequal and inadequate educational results and of racial concentration in some schools are not susceptible of resolution, in my judgment, by a categorical national policy. As to the first of these problems, the state of the art is such that we do not know any single answer which we think will be effective everywhere and which we ought to be willing to impose nationally. This includes the answer of compensatory education, which is the basket of educational policy that the President's bill puts all its eggs in. Compensatory education may work if adequate resources are assigned to its implementation. But it's no panacea.

As to the second problem, that of racial concentration in schools, it also is not susceptible of resolution by a categorical national policy, because we are not certain of its interrelationship with the first, and because the achievement of racial balance can entail the loss of other values, not least among them the educational and social value of the family-related school, capable of responding to the needs and aspirations of a cohesive group of parents and children.

But the federal government can help even if it can do nothing categorical; it can see to it that all federal assistance is mobilized in each school system behind a coherent and coordinated long-range plan, locally evolved and locally implemented. Such plans should take into view a community's entire primary and secondary educational process, drawing on private as well as public resources, and seeking to improve private as well as public schools. HR 13552 introduced by Representatives Preyer and Udall, is the sort of federal effort, the sort of National Educational Opportunities Act that is needed. The stated objectives of this bill are: 1) to improve, and to seek to render more equal the results achieved by, the primary and secondary educational process throughout the country; 2) to encourage, where possible consistently with the objectives of improvement and equalization of results, the elimination or alleviation of the concentration of black and poor children in certain schools; and, 3) to seek to eliminate educational ill effects resulting from the concentration of black and poor children in schools in which it persists.

To these ends, HR 13552 requires school systems throughout the country to evolve and submit, within about a year, plans covering a decade, as a condition of receiving any federal funds appropriated in support of desegregation or educational reform and improvement. Planning money is provided for. When an acceptable plan is submitted, all relevant federal financial assistance is thereafter concentrated and committed to the implementation of the plan. The statute offers a suggestive but not exclusive shopping list of devices and programs for the guidance of local authorities and federal administrators in evolving and accepting plans. Aside from integration techniques, this list includes such items as community controlled, decentralized school districts; educational voucher projects allowing parents to choose among both nonsegregated private and public schools; and interracial educational projects involving the participation of children attending different public and private schools.

I think a moratorium proposal could be attached to a bill such as this. A moratorium aimed at giving Congress time to take measures that are themselves unconstitutional is an assault on the power of judicial review. A moratorium, however, aimed at preserving the status quo while Congress exercises its own undoubtedly legitimate powers to deal at large with problems of education, rather than to try to tell courts how to deal with them, is altogether different.

The courts, in the exercise of their constitutional function, and Congress, in the discharge of its legislative powers, have overlapping authority, in this instance as in so many others, to deal with aspects of the same problem. It seems to me a perfectly proper development of our system of separation of powers that Congress should be able to stay the hand of the courts so as to maintain a status quo that makes it possible for Congress to exercise legislative powers with respect to a problem that has been the subject of adjudication. No substantial clash between legislative and judicial powers is involved, no general enlargement of the one or constriction of the latter. After the period of the moratorium enabling Congress to exercise its powers has run, the courts will as usual be in a position to discharge their own function and adjudicate the constitutionality of whatever Congress has brought into being. Their power to discharge the judicial function will be undiminished and unaltered.

The President's program, for the most part, addresses the courts, not the problem. New approaches are needed. As this journal said editorially some weeks ago, if we find the answers that the courts have been giving to old questions unsatisfactory, let us change the questions.

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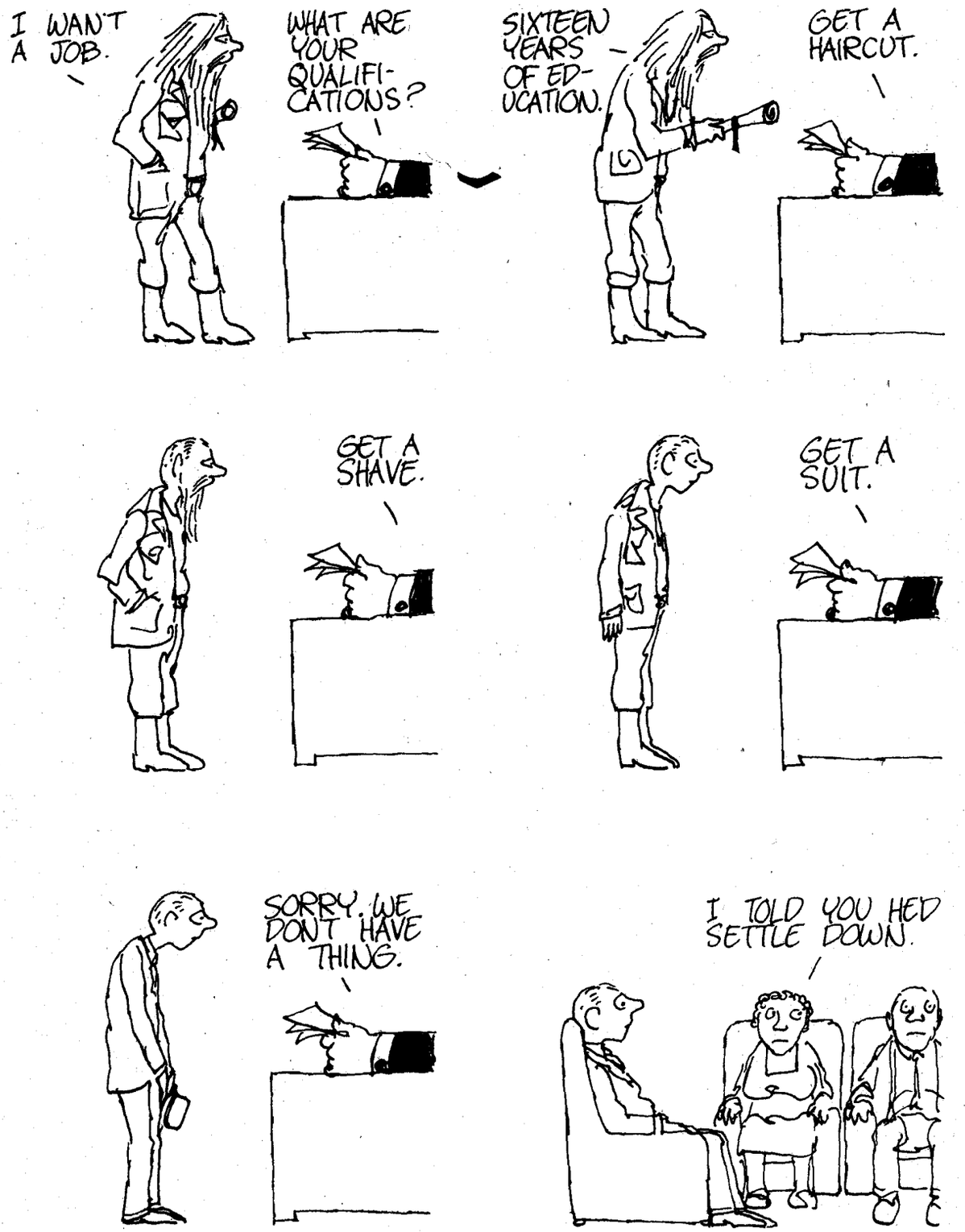
JULES FEIFFER


I WANT A JOB.
WHAT ARE YOUR QUALIFI-CATIONS?
SIXTEEN YEARS OF ED-UCATION.
GET A HAIRCUT.
GET A SHAVE.
GET A SUIT.
SORRY. WE DON'T HAVE A THING.
I TOLD YOU HED SETTLE DOWN.

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Ned Rorem on music

Come Back Paul Bowles

In 1949, with the publication of his very successful *Sheltering Sky* at the age of 40, Paul Bowles became the author-who-also-writes-music, after having long been the composer-who-also-writes-words. That success brought more than a reemphasis of reputation; from the musical community's standpoint it signaled the permanent divorce of a pair of careers. During the next decades Paul Bowles produced some 14 books of various kinds, but little more than an hour's worth of music. Did he feel that one art, to survive, needed to swallow and forget the other? Surely he received in a year more acclaim for his novel than he had received in a lifetime for his music. Which need not infer a superior literary talent; indeed, if history recalls him it will be for musical gifts. It's just that ten times more people read books than go to concerts. Someday Bowles may fully release the underestimated musician who doubtless still sings within him. Meanwhile, perhaps chagrined by the underestimation, he coolly enjoys an international fame based solely on his books.

Composer-authors generally compartmentalize their two vocations, allotting parts of each year, if not each day, to each profession. But as authors their subject is inevitably music (as witness Berlioz, Schumann, Debussy, or today, Boulez, Thomson, Sessions), whereas Paul Bowles is a fiction-writing composer, the only significant one since Richard Wagner, and even Wagner's fiction was at the service of his operas. Except during the war years when he functioned as music critic for the *New York Herald Tribune*, Bowles' prose has been antithetical to his music. Whatever resemblance exists between the working procedures for each craft, the difference between his results is like day and night.

Paul Bowles' music is nostalgic and witty, evoking the times and places of its conception—France, America and Morocco during the '20s, '30s and '40s—through languorous triple meters, hot jazz and arabic sonorities. Like most nostalgic and witty music that works, Bowles' is all in short forms, vocal settings or instrumental suites. Even his two operas on Lorca texts are really garlands of song tied together by spoken words. In 1936 Orson Welles' production of *Horse Eats Hat* became the first of some two dozen plays for which he provided the most distinguished incidental scores of the period. The theater accounts for a huge percentage of his musical output, and for the milieu he frequented for a quarter of a century, most latterly the milieu of Tennessee Williams whose works would never have had quite the same tonality—the same fragrance—without Bowles' music emerging from them so pleasingly. Indeed, the intent of his music in all forms is to please, and to please through light colors and gentle textures and amusing rhythms, novel for their time, and quite lean, like their author.

Paul Bowles' fiction is dark and cruel, clearly meant to horrify in an impersonal sort of way. It often bizarrely details the humiliation and downfall of quite ordinary people, as though their very banality was deserving of punishment. Bowles develops such themes at length and with a far surer hand than in, say, his sonata structures. His formats in even the shorter stories are on a grander scale than in his music; at their weakest they persuasively elaborate their plots (albeit around ciphers, and in a style sometimes willfully cheap); at their best they transport the reader through brand new dimensions to nightmare geographies. Bowles communicates the incommunicable. But even at their most humane his tales steer clear of the "human," the romantic, while his music can be downright sentimental. Indeed, so dissimilar are his two talents that it is hard to imagine him composing backgrounds to his own dramas.

Paul Bowles' real life is courageous and exotic. Whenever possible he has spent it in what we like to call backward countries with hot climates, especially Ceylon and North Africa. Yet no matter how far afield he has wandered into the crowds of India or the deserted Sahara, he has maintained active correspondence with the West, specifically with American intellectuals who, since he seldom goes to them, cross oceans to meet him. Bowles, the social animal, has traveled Everywhere, known Everyone, and been much loved. His writings have dealt extensively with the Everywhere, but never until recently with the Everyone. Now here is his autobiography.

Without Stopping (Putnam; $7.95) is curiously static but never tranquil, like Lewis Carroll's Red Queen. If in reality the author withdraws for long years of disciplined reflection in faraway lands, the effect from his book is of constant and vaguely futile comings and goings. *Without Stopping* is also curiously reticent, at least for a volume of memoirs. Obviously uncomfortable with the pronoun "I," the autobiographer is revealed as far less rich and strange than the actual man. Here he denigrates his subject's "specialness." Scores of names are dropped with no further identification than their spelling, while close acquaintances vanish and die without so much as an editorial sigh from their friend. He displays no envy of competitors, no sign of carnal or intellectual passion. His one obsession would seem to be for investigation—not of the heart, which even his fiction avoids, but of the body as affected by foreign cultures, by the implacability of nature, exotic cuisine, ill health, hard drugs, but never, never by sex. If his novelist's reputation qualifies this printing of his journal, his novelist's morosely powerful voice remains mute. Occasionally we find a discussion, always objective, of literary method, but never of musical method. And his reticence rather grandly forbids display of the self-doubt which is an artist's *sine qua non*. More than once he mentions his revulsion at the artist's visibility, be it through old-fashioned bohemianism or modern publicity. (On first meeting Stephen Spender in 1931: "I noted with disapproval the Byronesque manner in which he wore his shirt, open down to his chest. It struck me as unheard of that he should want to announce his status as a poet rather than dissimulate it; to my way of thinking he sacrificed his anonymity.") Why, then, write a book of this sort?

Could anyone not knowing Paul Bowles have the least interest in such a report? Maybe. Once we accept our disappointment at the low gossip content and learn that the work is a cold fulfillment of a commission more than an inspiration, we can enjoy the elliptical levels of the writing. With the assurance of an aristocrat the author presupposes our acquaintance with his friends, with the books he likes, and with his

(continued on page 35)

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Our Man Beelzebub

Gehlen: Spy of the Century
by E. H. Cookbridge

(Random House; $10)

The General Was a Spy
by Heinz Hohne and Hermann Zolling

(Coward, McCann & Geoghegan; $8.95)

A year before Winston Churchill's "Iron Curtain" speech in Fulton, Missouri, which formally stated the theme of Act I of the Cold War, a prologue was being written and played backstage in Europe by Americans and Germans. They had already identified Soviet Communism as Enemy Number One, not primarily because Russia had Eastern Europe in its grip, but because Soviet Communism was satanic and was set on conquering the world. And as Hugh Trevor-Roper remarks in his introduction to *The General Was a Spy*, "it is legitimate to use Beelzebub to drive out Satan." Beelzebub was willing. Both these spy stories describe how and why, with the collapse of the German armies, the Americans recruited Hitler's Chief of Intelligence against the Soviet Union and underwrote his postwar espionage operations.

Reinhard Gehlen was a professional, an experienced, single-minded anti-Communist with exceptional contacts. Those who hired him were not of the breed of Henry Stimson, who once said quaintly that gentlemen don't read other people's mail. They were what came to be called realists, and they dominated US foreign policy for the next quarter of a century. The US government secretly financed General Gehlen to the amount of $200 million, and when he finally left his American supervisors and went to work directly for the Bonn government, Mr. Cookbridge tells us, Allen Dulles gave him "a golden handshake in appreciation of the great work he had done for CIA; a gratuity of 250,000 marks had been authorized. Dulles added the not entirely seriously meant condition that Gehlen should use the money to buy a fine house somewhere in the Bavarian mountains." For the $200 million, CIA received mountains of paper and thousands of clandestine tips on Eastern Europe and the USSR. Toward the end, it learned that much of the information was useless; and it learned something more disturbing: the Gehlen organization had been penetrated by the Soviets. By the early '60s, Washington's interest had cooled.

The General Was a Spy is drawn from a series of articles written by two German journalists for Der Spiegel. *Gehlen: Spy of the Century* is the product of a European educated British journalist who was himself an intelligence agent in World War II and was imprisoned by the Gestapo. Hohne and Zolling offer a more detailed and dispassionate account and focus more sharply on the intricacies of the postwar intelligence network inside Germany; they are less revealing than Cookbridge, however, on the American involvement and on the Nazi backgrounds of Gehlen's associates.

Gehlen served any master who served his purpose, which was the undermining and the destruction of Communism. When it could no longer be doubted that the German armies were defeated, Gehlen turned to the *Werewolfs*, the young terrorists who were to carry on after Hitler's collapse. The *Werewolf* project had been discussed at one of Gehlen's last meetings with the Fuhrer, whom Gehlen found "most charming." They had also discussed Hitler's order that "gramophone records with sound effects of combat noise and rolling tanks . . . be distributed to front line commands and played from dugouts as near as possible to the Soviet lines." Hitler was mad, Gehlen was not. Yet Gehlen accepted this order, as all the others, knowing it was too late to stave off disaster, but obedient to authority. He did not desert until there was nothing to desert from. He played no part in any German plot against the Nazi leaders. He waited until the end and then escaped to Bavaria, in early 1945, taking with him files he knew would interest the Americans—to whom he intended to surrender at a price. He met with Brigadier General Edwin L. Sibert, senior intelligence officer of the American Zone, who (report Hohne and Zolling) "while fighting was still in progress in France . . . had been prepared to make use of Adolf Hitler's officers in the cause of American strategy" and who "had a most excellent impression of him [Gehlen] at once." Sibert promptly took up with General Bedell Smith, US chief of staff, Gehlen's proposal to set up a German intelligence service "financed by the US and directed against the Soviet Union." Bedell Smith "okayed" the project, according to Hohne and Zolling, but did not inform Eisenhower, the Supreme Commander, who had forbidden fraternization with Germans. After lengthy interrogation in Germany, Gehlen was flown to Washington.

Though friendship with Moscow was then official US policy, Cookbridge points out, Gehlen knew that "many generals, above all General George V. Strong, the chief of G-2 army intelligence, and Sibert, were very far from regarding the Soviet Union as a future ally. In fact, a vastly different vision was taking place at the Third Army headquarters at Bad Toelz, near where he [Gehlen] had buried his . . . files. There General Patton was dreaming of rearming a couple of Waffen SS divisions to incorporate them into his Third Army and 'lead them against the Reds.'" Said Patton: "We're going to have to fight them sooner or later. Why not now while our army is intact and we can kick the Red army back into Russia? We can do it with my Germans. . . . They hate those Red bastards."

That, of course, went way beyond anything Gehlen's captors had in mind. They wanted information; Gehlen had it. So, says Cookbridge, they treated him with great courtesy, "wooing him like a wayward lass who can bring a large dowry to offset the blemishes of her past. . . . Gehlen bargained his way into the gray dawn of Cold War espionage, conceding or compromising on some points, using pressures near to blackmail to gain others. It says much for his shrewdness, self-assurance and persistence that he was able to take on singlehanded such an array of top-ranking American experts." They agreed to covertly subsidize "an autonomous

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apparatus under his exclusive management." They agreed that his organization "would be used solely to procure intelligence on the Soviet Union and satellite countries of the Communist bloc." And they agreed that he would not be asked to do anything that was "detrimental or contrary to German interests." "These were tough and even impertinent terms," Mr. Cookbridge observes, "coming from a man who was virtually a prisoner of war, and whom the Russians might even consider a war criminal ripe for trial under the terms of the Potsdam agreement."

Gehlen had promised in Washington not to employ SS and Gestapo men, but those who bargain with Beelzebub can't be too exacting. Among Gehlen's first recruits, "there were several proscribed men, whom Gehlen enlisted under aliases and with false personal documents," as Cookbridge documents. They included SS Obersturmfuher Hans Sommer, author of a plan to blow up the synagogues of Paris; SS Sturmfuhrer Herbert Steinborn, a Hitler youth leader before the war and later part of Hitler's bodyguard; Col. Oscar Reile, "the amiable head of the Paris *abwehr* at the Lutetia Hotel" who had a fine record of capturing British agents; Lt. Col. Hermann Giskes, who had netted 57 Dutch agents sent from Britain, "all of whom the Gestapo eventually put to death at the Mauthausen concentration camp." From the Old Boy network, Gehlen enlisted Gerhardt Pinckert, who had trained secret agents for General Franco during the Spanish Civil War. He brought in Dr. Michael Achmeteli, a friend of Alfred Rosenberg, chief theoretician of the Aryan doctrine. Achmeteli was provided a villa, courtesy of CIA, and he and two other officers selected by Gehlen formed the "first staff of the secret 'Special Forces.' " The second of this triumvirate was Dr. Franz Alfred Six, who in 1948 appeared before a US military tribunal at Nuremburg "charged with having ordered the execution of civilians, including hundreds of Jews" and was sentenced to 20 years imprisonment. Four years later Six was free "and busy advancing the fruition of the CIA-Gehlen project." (Cookbridge) The third member of the Special Forces team was Dr. Emil Augsberg, an SS colonel who had headed "a section attached to Adolf Eichmann's S-4 department, which handled the 'Jewish problem' with 'final results' that are well known."

Men of that repute, engaged in so sensitive an enterprise, have to be concealed. Where were they to be housed? Proper accommodations were found near Pullach village, in a housing development built in 1938 for SS officers. Rudolf Hess and Martin Bormann had lived there, as had officers of the nearby Dachau camp. The compound was handed over to Gehlen by the American occupiers in 1945. It cost $300 million to convert it into a "veritable fortress," working from plans produced by Gehlen's architect. It had strongrooms embedded in protective shells of steel and concrete, high walls, an electrified fence hidden behind hedges. It was patrolled day and night by armed men in Bavarian gamekeepers' outfits leading fierce dogs. Its two tall flagpoles flew the black-red-gold standard of the new Germany and the Stars and Stripes. From that center, the Gehlen organization reached out in all directions.

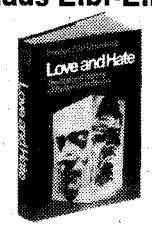
Thus, early on, Gehlen put his mind to countering Soviet radio propaganda. For that he needed a powerful radio transmitter. But "Wisner [of CIA] was unable to obtain from his superiors the necessary funds," says Cookbridge. The obstacle was overcome with the help of Allen Dulles. An appeal was made to "American business tycoons" who "passed the begging bowl along with splendid success." Result: Radio Free Europe, which we know now was supported not by American business tycoons but by the CIA. Gehlen spread himself. Soon, Hohne and Zolling report, he was "toying with a fantastic notion—that the Russians and Americans would tear each other to pieces and so give a rearmed Germany the opportunity to create a new order in Europe." Meanwhile, Gehlen could do more than tap telephones or translate documents; he could abet the counter-revolution. "For a long time," Cookbridge writes, "Gehlen had anticipated an anti-Communist uprising in Budapest; indeed it can be said that he had worked hard for several years to induce it. . . . A large team of his Hungarian agents and officers who lived in exile in Germany and had been trained in emigre camps near Munich reached Budapest on the eve of the fighting. [Allen] Dulles contributed a well-armed shock unit from CIA's 'private army' in Germany." The revolt failed. The Americans were not prepared to go all the way.

Gehlen's interests were perhaps broader than his mentors knew or intended. For example, his agents collected information on "allied armaments, aircraft production, atomic developments, and defense plants in general." And when it was learned that West German funds were being put clandestinely into an Association of American Citizens of German Origin, in the United States, there was some distress, Cookbridge reports. However, Gehlen explained to J. Edgar Hoover that he was only "supervising German businessmen, tourists, and, particularly, students and officers of the Bundeswehr sent to America for studies or specialized military and air force training . . . [and] the FBI happily closed its file on the subject." At about the same time, the "German-led Egyptian secret service [was] . . . engaged in subversion and intrigue in no fewer than six Arab countries." In France, Gehlen had close contacts with the leaders of the anti-

Love and Hate

The Natural History of Behavior Patterns

by **Irenäus Eibl-Eibesfeldt**



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Gaullist rebellion (two of the OAS leaders accused in Paris of having been involved in assassination attempts on de Gaulle found refuge in Germany, "with Gehlen's help"). And into the Baltic states Gehlen infiltrated Latts, Esthonians and Lithuanians who had been trained by the Americans at Fort Bragg, returned to Germany and prepared by Gehlen "for their mission on Soviet territory."

The leader of the free world will soon be in Moscow. The Chinese Communists are conferring in Paris with US Ambassador Arthur Watson, honorary president of the International Chamber of Commerce, former chairman of the IBM World Trade Corporation and one-time director of Continental Insurance, Pan Am and the Federal Reserve Bank of New York. General Gehlen is retired and lives on his state pension, presumably in the house that Dulles built. Mr. Cookbridge finds it "difficult not to feel at least grudging admiration" for this "grey, secret man behind the scenes, whose motive force was his almost paranoiac hatred of Communism." Trevor-Roper does not find it difficult: "What can be deplored, and what the Germans who were most determined to clear German politics of the Nazi taint did both deplore and oppose, was the large measure of irresponsible power which these governments [German and American] in their anxiety, allowed to Gehlen: a man whose philosophy was narrow, whose past was tainted, and whose methods reflected that past." How that would have amused Allen Dulles. Gehlen *was*, after all, "on our side," he told reporter Andrew Tully, "and that is all that matters. Besides, one needn't ask a Gehlen to one's club."

Gilbert A. Harrison

Misplaced Priorities in Africa

The African Policies of Gabriel Hanotaux by Alf Andrew Heggoy

(Univ. of Georgia Press; $7.50)

Since Waterloo, France has sought an historical face-saver. In the early 19th century, it probably seemed possible to go all the way and become once again the world's leading power. By the '90s, two revolutions and a staggering defeat by Prussia later, the aim was to remain, somehow, in the major league. France saw colonialism in Africa as the answer. The main rivals were Portugal and above all Britain, plus occasionally Belgium. The Germans had become allies —anxious that France should find compensation in Africa for the loss of Lorraine and Alsace. In the mid-'90s, the scramble shifted into gear.

In Britain, Lord Salisbury, scion of power and fortune, ran the Foreign Office like an inherited estate. In Paris, the scene was taken by an unlikely figure: Gabriel Hanotaux was an archivist and petty historian who became by political favor a Quai d'Orsay official, briefly an undistinguished *député* in the Assembly, then a diplomat again, and then for four years, until 1898, foreign minister. He was the last French minister not chosen from the legislature.

This dusty little archivist out of Guy de Maupassant dreamed of a new Roman Empire. Like one of the presidents under whom he served, Félix Faure—who perished of cardiac arrest during an orgasm in a deluxe cathouse, then had to be brought back to the Elysée to die again, officially—Hanotaux was a consummate skirt-chaser who didn't finally marry until he was 60, when he picked up a titled bride in her twenties.

Every English and French colonial in Africa knew that what mattered was commerce. Africa could only be justified, colonially, as a mercantile conception. But Salisbury—like poor Ted Heath in recent years with his imaginary "sea

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lane" around South Africa—was preoccupied with "strategy," while Hanotaux was obsessed with *lebensraum*.

The result was that Britain concentrated on gaining the materially useless Indian Ocean seaboard—Kenya and Uganda—seen as a backdrop to Suez, and was happy to have the harmless Germans next door in Tanganyika; while France sent gallant Lieutenant Marchand with 100 Senegalese to a blushing confrontation with Kitchener and his 10,000 on the Upper Nile, in 1898. In West Africa, Britain took what the true imperialists like Trader George Goldie and Captain Lugard wanted—Nigeria, with half the area's population and biggest river, the Gold Coast, West Africa's richest territory, Sierra Leone with the area's largest natural harbor (Freetown), and the Gambia, which excised the main river and port from France's main stronghold, Senegal. To the south, Germany got the valuable Kamerun, and Belgium already had the vastly promising Congo. Britain got most of southern Africa—a Nelsonian naval *prise* which suddenly grew with the discovery of gold and diamonds. Potentially useful Liberia and Ethiopia successfully defended their independence. France won what Salisbury called "very light land," as big as the United States. Only Guinea looked promising.

But Hanotaux, as Heggoy points out in his well-researched book, had got what he wanted—a lot of map. He considered that Britain had been left with "enclaves." He also successfully took the Bey of Tunisia under French protection, consolidated Algeria and warded off a settlement in Morocco—where France obtained a protectorate in 1912. The Maghreb remains Hanotaux's main achievement.

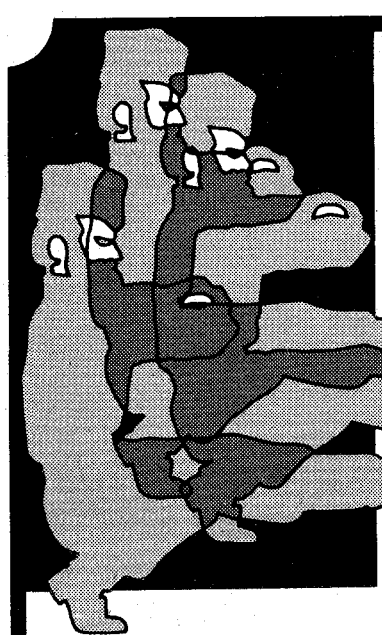
In the 19th century the British referred to colonies in terms of palm oil, shillings and pence—and strategy. The French believed in colonization. The British believed in conquest and administration. The French believed in settlement and assimilation, only to discover that settlers themselves refused either to assimilate or be assimilated. The British saw colonial exile as a noble sacrifice, fit only for the middle and upper classes. Frenchmen saw it as a disgrace, and only those who needed the money went.

It was the priorities that were misplaced. Both Salisbury and Hanotaux worked hard at their mistakes and often brought off successes by accident. Hanotaux wisely backed Menelik, the Shoan prince who had come to power in Gondar in 1893 and who moved Ethiopia's capital to Addis Ababa. Menelik sensibly denounced the Treaty of Ucciali, and his ragged warriors cut an Italian division to pieces at Adowa on March 1, 1896, with weapons supplied by the Czar and above all by the French, whose gunrunners in Ethiopia included the poet Rimbaud. Britain tacitly, and foolishly, supported Rome. Adowa left Menelik with enough of his own and captured weapons to reunite the Ethiopian empire for the first time in centuries.

France would probably have swapped Madagascar, with which it never knew what to do, for a portion of the middle Niger around Busa, and Salisbury might well have divested himself of the "light land" of Northern Nigeria, had it not been for the ambitions of the persuasive Goldie. This humanized version of Rhodes was a Jew of Manx pirate descent who saw great trading possibilities in Africa's Muslim interior. Certainly, the Monteil and Mizon expeditions showed the determination of France's bid to grasp the middle Niger. Had Hanotaux and his successor succeeded, the Nigerian Civil War of 1967-70 would never have taken place.

Hanotaux must take the blame for the cruel, deceitful overthrow of the Malagasy queen. It was he who cooked up the diplomatic pretexts and got the military appropriations. Having saved one of sub-Sahara Africa's two great kingdoms, he destroyed the other: his successors were content to practice neglect.

In all, under the dead hand of French protectionism, Hanotaux's vast empire developed less than English or Belgian Africa, and had much to catch up on at independence—as will Portuguese Africa one day. Both France and Portugal chose quantity rather than quality in their conquests, could not afford what they had taken, and fended off foreign capital. Significantly, both countries remained neo-colonial long after Britain, Italy, Belgium and Ger-



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NOTES ON CONTRIBUTORS

NED ROREM *is a composer, and also the author of five books, including* Critical Affairs *and the* Paris Diary of Ned Rorem. J. D. O'HARA *teaches English at the University of Connecticut.* RUSSELL WARREN HOWE *is the author of a two-volume history,* Black Africa.

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many had read the lesson of history. Hanotaux was the spur to a colonial dynamic which his descendents do not repudiate.

Perhaps Hanotaux's own spur, as Heggoy implies, was the repulsive Robert Cecil, Earl of Salisbury, whose own Caesar complex was similarly light-headed. Colonialism was historically inevitable: it pan-Africanized Africa from 2000 principalities into 50 countries, from 6000 languages to half a dozen. On balance, it was positive. Now is the time to look at works like Heggoy's, which leave us to dream of what might have been done so much better.

Russell Warren Howe

The Elementary Sin

The Savage God: A Study of Suicide by A. Alvarez

(Random House; $7.95)

Suicide by Jacques Choron

(Scribner's; $7.95)

"At some stage of evolution man must have discovered that he can kill not only animals and fellow-men but also himself," writes Erwin Stengel. "It can be assumed that life has never since been the same to him." Presumably each of us has re-enacted that primitive discovery, and felt its power. Ordinary actions can have so little effect on the world; even the wickedest murderer can kill only his thousands. But if we merely turn the weapon around ("murder in the 180th degree," E. S. Schneidman calls it), we can with a single act destroy the whole world! Ambition can go no further. And there are gentler feelings, relief or even delight that, as Seneca put it, life, which offers only one entrance, offers so many exits, through any one of which we may slip unobtrusively away.

Fortunately for the tax rate this initial discovery of control over life seldom occurs at the same time as a serious desire to exercise it. As children we mutter tearfully that "they'll be sorry when I'm dead"; as adolescents we say we'd rather die than . . . well, than almost anything; and as grownups we mouth platitudes about death before dishonor, better dead than Red, etc. But as a matter of fact we seldom take our power seriously. Virginia Woolf claimed that she once heard her father, Leslie Stephen, exclaiming tragically to himself, "I wish I would die. I wish I would die. I wish my beard would grow." For years A. Alvarez used to say, over and over, "I wish I were dead"; but he admits that he was 30 before he realized what he was getting at. And Jacques Choron, who is a Fellow of the Suicide Prevention Center in Los Angeles and of the Center for Studies of Suicide Prevention at the National Institute of Mental Health, grows positively euphoric over the fact that only some 30,000 Americans kill themselves in a year. The analogy he offers is of "a city of 100,000 in which only one person per month takes his own life":

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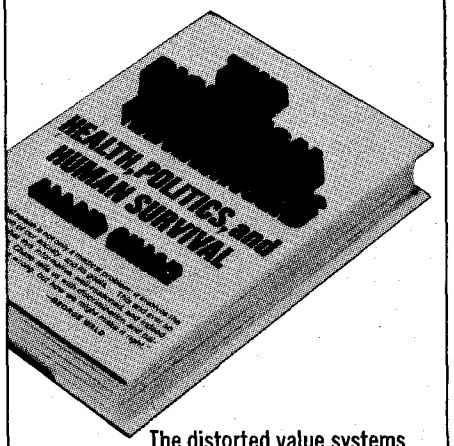

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then one can be rather cheerful. Unless one is considering suicide oneself, of course, or knows someone who is. Then matters can seem more disturbing, even statistically. Over 80 Americans a day kill themselves; over a thousand a day throughout the world. And many more attempt it: Choron calculates that between 6 and 7 *million* living Americans have attempted suicide. And despite folk wisdom, many of these—perhaps 25 percent—will try again, and many will succeed.

Speaking of folk wisdom: people who talk about suicide *do* generally attempt it, sooner or later. Young people are *not* more prone to suicide (though they're catching up). They attempt it far more often, but their elders (55-65) are more successful. Perhaps relevantly, the Tampa-St. Petersburg area has one of the country's highest suicide rates. Nor are most suicides caused by love, though many attempts are. Alvarez reports the grim story that "the London police can always distinguish among the corpses fished out of the Thames, between those who have drowned themselves because of unhappy love affairs and . . . debt. The fingers of the lovers are almost invariably lacerated by their attempts to save themselves by clinging to the piers of the bridges. In contrast, the debtors apparently go down like slabs of concrete. . . ."

Nor is winter the most propitious time for suicide. Rosalind in *As You Like It* was almost right about the threats of rejected lovers ("Men have died from time to time and worms have eaten them, but not for love"), and T. S. Eliot was almost right about the seasons: April is not the cruelest month, but May and June are. When summer comes and we remain wintry, then suicide sets in. Again, despite the horrors of the welfare state, Sweden's suicide rate is still roughly what it was before socialism, and that rate is lower than Switzerland's. In the US, more women attempt suicide; more men succeed, by a ratio of 3 to 1. Our non-white suicide rate is much lower than the whites', but equality is coming, especially in the cities. And the old jibe still applies—physician, heal thyself: the suicide rate for doctors is three times the national average; six times for psychiatrists.

Most of these facts and figures come from Choron, who has written two previous books about death and now is concerned only to inform, to correct misconceptions, and to be reasonable. As he remains calm about our suicide rate, so he offers common-sense observations on other subjects. He reports, for instance, that some investigators condemn voluntary overwork, chain-smoking, and alcoholism as "partial" or "chronic" suicide attempts. Then he looks at such activities from the other side: "one could maintain that it is the lesser evil to drown one's sorrows in alcohol than to drown oneself." Perhaps, he suggests, such behavior is actually a defense against suicide. Alvarez occasionally offers the same sort of approach, as when he reports the common observation that under grim conditions—really bad slums, for instance, or front-line combat, or concentration camps—the suicide rate is often surprisingly low. Usually one concludes that great difficulties raise morale, but Alvarez offers a camp inmate's sensible observation: "If, under these conditions, somebody had no desire to continue life, no active deed of self-murder was necessary; the only thing one had to do was . . . to give up the grim struggle for life."

There are some 200 suicide-prevention centers in the US, and many in Europe (the only areas covered in either book). There are over 7000 books and articles about suicide. The US government publishes a *Bulletin of Suicidology*. Yet little is known about it. What makes an individual suicidal? What brings on the crisis, and what might cure it? Both Choron and Alvarez offer relevant material, and Choron even reprints a scorecard for predicting suicide potential; but they cannot carry the subject very far.

The most frequently cited characteristic is loneliness. Such isolating factors as unemployment, retirement, old age, a broken home, and lack of church affiliation underlie suicide. Psychological inability or refusal to connect with others is important. But not decisive; many people continue living under such conditions. To precipitate a crisis, something more is necessary. For Alvarez, this something more is despair. The victim sees no hope; when some possibilities exist, he denies or overlooks them. He attempts suicide, then, not because of any positive desire for death (such desire is rare), but because he no longer can hope. Even at the stage of despair, the potential suicide can be dissuaded, but worse stages exist—clinical depression, for instance, which gives even the professional therapist "a feeling of helplessness and impotence," says Choron, "since he realizes that, in such cases, his psychotherapeutic 'tools' alone are of no avail." Perhaps only violent diversion, physical restraint, drug therapy, or the luck of an unsuccessful attempt can save the victim from himself at that point.

Choron is occasionally programmatic—he argues, for example, for euthanasia—but he is mainly concerned with facts. A. Alvarez, an English literary critic, clothes the facts with the feelings of personal involvement. His book begins with an account of his friend Sylvia Plath's life, suicide attempts, and suicidal death; it ends with an equally sensitive account of his own attempt. Between these exemplary warnings he offers (like Choron) a survey of suicide through the ages and a section on fallacies, theories, and feelings about sui-

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cide; and then he discusses it in connection with artists, from Dante to the present. Though that sounds artificial, it works well. He is able to trace the roots of our present attitudes back to the suicides of the young poet Thomas Chatterton in 1770 and of the rejected lover in Goethe's novel *The Sorrows of Young Werther*. These two suicides were taken much to heart by young romantics; and they, plus Shelley's death wishes, Byron's gloomy broodings, and the early deaths of Shelley, Byron, and Keats, provided the Western world with a new sense of the artist: sensitive, alienated, morbid, and young. "He became a doomed figure," Alvarez points out; "his public expected it of him."

Such notions have a surprisingly long life: what was novel in the Romantic period is now an accepted popular cliché, even though in fact, mere fact, many of our greatest modern artists have shown unusual longevity. In pop myth the artist is still the doomed youth: Janis Joplin, Jimi Hendrix, Jim Morrison, even Dylan Thomas. He is expected to live hard, to burn out fast, to risk his sanity or lose it entirely, and to suffer for his art. ("Genius is a form of madness," says John Lennon. "Genius is pain, too. It's just pain.") In a time of external insecurity, gloom and depression are "the new, permanent condition of the arts." Alvarez explores this theme widely, ranging from Kirillov's suicide in *The Possessed* through Camus' use of suicide in *The Myth of Sisyphus* and Wittgenstein's positing of suicide as "the elementary sin" ("if suicide is allowed then everything is allowed"); but given the stresses of modern art, it is not surprising that he takes much of his material from the lives and deaths of artist-suicides. Our century offers them in plenty.

But what have artists to do with us? For a remarkably large number of people now, the artist is a model. Even people who would never be caught tapping out an iambic pentameter or dabbing at a canvas will assert their sensitivity, alienation, mental instability, and existential *Angst*. Alvarez's study of artists, then, provides a cultural context for suicide in our time and evokes a modern understanding of the act. One might say that his survey gives a meaning to death, except that he also asserts that death nowadays has no meaning. Sylvia Plath's death added nothing to her poems; those who kill themselves to draw attention to totalitarianism, war, etc., become merely passing headlines; and in general "the growth of modern technology has made death itself absurd by reducing it to a random happening totally unconnected with the inner rhythm and logic of the lives destroyed."

Death in our culture generally occurs in the relatively specialized settings of hospital, highway, and battlefield. A large part of our population has never seen a real dead person unembalmed. As movies like *Dirty Harry* show, "death is a kind of pornography, at once exciting and unreal"; Alvarez adds, "what was once public, simple and commonplace has now become private, abstract and shocking, a fact almost as furtive and secret as sex once was to the Victorians." People with mortal illnesses have difficulty discussing their death; they characteristically encounter obstinate refusals to listen or believe. Equally, people considering suicide and wanting to talk about it—obviously hoping for help, no matter what their tone—often meet only Pollyanna cheer or casual disbelief. Faced with this implicit accusation that he is posing, the potential suicide is likely to sink deeper into his troubles. As Alvarez says, "at a certain point of despair a man will kill himself in order to show that he is serious."

What might restrain him? Religion? The government? There are still some laws, ecclesiastical and secular, against suicide (perhaps the only crime one is punished for *not* committing), but they are seldom brought forth. A state policeman I questioned said that possibly he

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might arrest a failed suicide for his own good. The charge? Disturbing the peace: a final straw for the man who had wanted only to restore peace. What about the victim's relatives and friends? Since loneliness is so common a precondition, he may have none; he may be estranged from them; he may even wish to hurt them. (However, the pain his death will cause others can be a strong deterrent for a kindly man.) But society's last defense against suicide would seem to be the insurance companies, which stand like the rock of Gibraltar firmly against paying a suicide's way across the Styx.

Given these varied withdrawals from concern, perhaps the major modern question about suicide is merely So what? Suicide is an aberration; more Americans die from cirrhosis of the liver. (Paradoxically, suicide proves the nonexistence of Freud's death wish; what affects only .015 percent of the population cannot be a part of general human nature.) Yet every suicide casts doubt on the value of life, and shakes our habitual faith. What *is* the point of going on? Freud's answer is convincing: "the moment one inquires about the meaning or value of life one is sick, since objectively neither of them has any existence."

J. D. O'Hara

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Saroyan Replies

Sirs:

I hope I may be permitted to express my sincere thanks to *The New Republic* and to Mr. Stanley Kauffmann for his review (March 25), the sentiments and thoughts of which I nevertheless find totally unacceptable because in my view they are superficial and strangely lacking in intelligence. Are we all that sure for instance that it is the mark of boyishness rather than of esthetic skill, if you will, that a professional writer of forty years' experience chooses not to move with the "in" mob, whether of the left, right, upper, lower, far out, or immeasurably in? Who says that in writing of himself a writer is not writing of the reader? When is that supposed to have become the law and the truth? And how much of the engineering, machinery, and maneuvering of money in relation to new writing in any of its several forms is to be ignored in trying to guess about a writer's growth or decline? For instance, I have more books unpublished than published and more plays both unpublished and unproduced than published and produced. Am I less a writer for not having been willing to fool around with the preposterous people who own and run the so-called show biz show? In saying somewhere that I felt I was a better playwright than O'Neill, I quite simply meant that that's what I felt, based upon what I had read of his and what I had seen. I still think I am, although to belabor this sort of point is something I try to avoid, because no writer is ever really comparable to any other. Each is unique and himself, if he's anything at all.

William Saroyan
Paris

Poverty Law

Sirs:

May I add to Ridgway Hall's observations last week ("The Perils of Poverty Law"). When Vice President Agnew challenged the right of poor people, using federally paid lawyers, to sue elected officials, he was following the line of Lewis Uhler, Governor Reagan's poverty director in California, who in 1971 condemned the California Rural Legal Assistance Program, perhaps the most successful poverty law office in the nation. Mr. Uhler said: "Why should we pay the salaries for a lot of guys to run around and look up rules so they can sue the state? The most a poor person is going to need a lawyer for is some divorce problems, some bankruptcy problems, some garnishment problems. What we've created in CRLA is an economic leverage equal to that existing in large corporations. Clearly, that should not be."

Now, the right to petition the legislative and executive branches costs nothing, but the right to petition the judiciary usually requires a lawyer and court costs. The need of access to judicial protection or relief is sometimes urgent, but it has not, as a matter of course, been available to literally millions who have need of it. Among these are the nation's 26 million poor, who are disenfranchised from the judicial process no less than a person denied the right to vote is disenfranchised from the political process. Not only are they unable to sue the state for their rights, they cannot enforce a guarantee on a TV set or a claim of unpaid wages or block in the courts an outrageous rezoning of their neighborhoods. Moreover, they are deprived not only of judicial protection in a specific case, but the comfort and bargaining power which access to that relief implicitly affords.

Mr. Agnew's position is contrary to the spirit of the times and the developing law. In *Boddie* v. *Connecticut*, a little-noticed landmark case in 1971, the late Mr. Justice Harlan, speaking for the Supreme Court, held that where (as everywhere) the state requires the use of courts to dissolve marriages, it cannot bar their use by requiring filing fees of those too poor to pay. Justice Harlan tried to limit the decision to the circumstances of the case, but his opinion can be read to make access to the judiciary a fundamental American right: "American society, of course, bottoms

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its systematic definition of individual rights and duties, as well as its machinery for dispute settlement, not on custom or the will of strategically placed individuals, but on the common law model."

Justice Harlan further said that "without such a 'legal system,' social organization and cohesion are virtually impossible . . ." And finally: "put more succinctly, it is this injection of the rule of law that allows society to reap the benefits of rejecting what political theorists call the 'state of nature.'" Connecticut was not the only state which realized the stakes in *Boddie*. The attorneys general of 10 other states joined in the attempt to deny access to the divorce courts to those too poor to pay filing fees. After all, the states had not yet become fully accustomed to the constitutional requirement, new since *Gideon* v. *Wainwright*, decided in 1963, to provide counsel to *defendants* in *felony* cases. While the *Boddie* decision does not deal with the right to counsel in a civil case, there is every reason to believe that its principle will be extended either by further judicial decree, or preferably by legislative action in cooperation with the bar.

The handwriting is on the wall: Justice Black was the sole dissenter in *Boddie*, yet in the same term of the Court, Justice Black dissented in the denial of a Supreme Court review of a series of cases which he said were covered by the logic of the Harlan opinion in *Boddie*. With characteristic candor, Justice Black said: "In my view, the decision in *Boddie* v. *Connecticut* can safely rest on only one crucial foundation—that the civil courts of the United States and each of the States belong to the people of this country and that no person can be denied access to these courts, either for trial or appeal, because he cannot pay a fee, finance a bond, risk a penalty, or afford to hire an attorney . . . I believe there can be no doubt this country can afford to provide court costs and lawyers to Americans who are now barred by their poverty from resort to the law for resolution of their disputes . . . Finally, there cannot be meaningful access to the judicial process until every serious litigant is represented by competent counsel."

Equal access to the judicial branch is an idea whose time has come. The real question is whether now, as in the desegregation issue, American rights must be wrung from the courts or whether the political organs of the country will see the light and do their duty. Mr. Agnew's view foreshadows that stubborn resistance which, in the desegregation question, forced the courts, the least democratic and least suitable branch to do what the legislatures and the executives are much better equipped to do.

The organized bar has a primary role and responsibility in opening up access to the judiciary. So far the bar has been hostile to efforts to make private legal service available to those of modest means. Until 1969, group legal services were prohibited by the American Bar Association Canons on Professional Ethics—under pain of disbarment. In that year the ABA yielded to a series of Supreme Court decisions challenging its restrictive rules, but only to the extent necessary to adjust to court decisions.

Finally, before access to the judiciary becomes available to those whose birthright it is, we had better get our court system in working order. Court reform is necessary; personnel should work harder and more efficiently. However, the plain truth is we do not have enough courts. That is a fact to which Mr. Agnew might turn his attention. We spend on the entire federal judiciary 70 cents annually per capita; the comparable figure for medical research and service is $110. Annually the cost of all state and local courts is less than $6 per capita.

The United States has neglected its courts and denied their access to millions. Small wonder that millions are alienated from a system from which they are effectively barred except as criminal defendants, while millions of others to whom access is available are

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disenchanted by the "law's delay." Now we have the spectacle of the second-ranking political officer of the nation speaking for the sorry past rather than pointing and leading the way toward what has to be the future.

Morris B. Abram
New York City

Taiwan Question

Sirs:

Among the problems I have with Michael Reisman's article "Who Owns Taiwan?" (April 1) is that it comes two decades or so too late. Our government, in particular, was perfectly reconciled for all these years to Chiang's brutal repression of the Taiwanese native population and to the absurd and dangerous fiction that the island regime was the state of China. Now that the geopolitical ambitions of Nixon-Kissinger lead toward a shift from Chiang to Peking where the Chinese power, authority, and prestige reside, there is a natural tendency to seek what Washington watchers like to call "pragmatic accommodations."

Among the dangers of Mr. Reisman's arguments is the implicit suggestion that our leaders are genuinely responsive to ideals and norms associated with national self-determination. If a movement for Taiwanese independence receives any official backing in Washington, then it will almost certainly reflect an assessment of economic and strategic interests in the area. The United States might quite plausibly like to reconcile "normalization" of relations with China, while at the same time keeping Taiwan secure as a haven for US investments and influence and disarming rightist critics of the new China policy here at home. Indeed, it was this kind of "compromise" that US geopolitical tacticians over the years hoped to negotiate with Chinese leaders. The significance of Nixon's initiative involved breaking the geopolitical deadlock by accepting the "loss" of Taiwan as the price of normalization of US/China relations. The joint communiqué confirms this interpretation.

Let's not pretend that our government can at this point be swayed by normative or humanitarian considerations, when the daily pervasive thrust of its foreign policy is their negation. By purporting their relevance, as Reisman does, he contributes however unwittingly, to the continuing obfuscation of the illegal pattern of American policy-making in foreign affairs. To make international law genuinely relevant to such policy issues as the future of Taiwan requires first that we expose and overcome its present irrelevance to the broad range of our involvements throughout Asia, Africa, and Latin America. Otherwise, international law is but an ingredient of ideology, useful when it implements geopolitical goals, irrelevant when it does not (which is most of the time vis-a-vis self-determination issues).

Richard A. Falk
Milbank Professor of International law
Princeton University

In reply . . .

What curious and lemming-like logic! Can a scholar who professes dedication to international law in general recommend that it be ignored in a case where human rights are so obviously at stake? Because the political elites of the world have ignored international principles in the past, argues Professor Falk, it is improper to demand that they comply with them in current cases. Rather, Professor Falk urges, we should scold them and then ponder the larger issues while Taiwan, itself larger than two-thirds of the states of the world, is taken over by a power without legitimate claim to it. Retreats to "larger" problems are, of course, standard techniques of intellectual evasion and obfuscation. The issue here must not be obscured. China—Chiangist or Maoist—has no legal claim to Taiwan: the island-state's future belongs to the 13 million Taiwanese. (By the way, the tragic story and struggle of the Taiwanese have been written in many places in the past decades, as Professor Falk knows.) Elites about the globe have apparently concluded that it pays to accede to the Chinese demand for Taiwan as the price for political contacts and trade with the People's Republic. Some intellectual groups in this country have reached the same conclusion. Suddenly, all have "discovered" that Taiwanese, whatever *they* may think and wish, are really Chinese. But the historical and legal record speaks for itself, and the cry of the Taiwanese can be heard by anyone who cares to listen. Those who refuse will share complicity in a gross international crime.

Michael Reisman

TV & Politics

Sirs:

Robert Lewis Shayon in his piece (March 25) on the influence of TV in electing presidents relies, as so many before him on McGinniss' *The Selling Of The President*—"an expose," as he calls it, "of the media mercenaries who won for Mr. Nixon in 1968." The thesis of that book was that the media sold Nixon by creating a false image of the candidate.

Many, possibly because of their distaste for Nixon and the media, assume that he proved his thesis. From my recent reading of the book I conclude that he failed. The book is full of contradictions. On the evidence presented by McGinniss I came away from it with the conclusion that, whatever the image his media managers meant to project, over the long pull there emerged the Nixon of his detractors—somewhat synthetic, evasive, lacking in conviction. It is hard to believe that those who voted for Nixon were deceived. The Nixon they saw was "their" Nixon however you wish to describe him.

After all, what is there so remarkable about the Nixon victory that requires explanation? It was a close win over a mediocre candidate who had run a poor campaign and at the end was overtaking him. The wonder might be not that he won but that his margin of victory was so slim.

The myth of the decisive power of TV continues to be propagated without close attention to the evidence. In the last congressional election half of those who outspent their opponents won and half lost. In the recent Florida election TV played, as I understand it, a minor role. Surely minimum TV exposure is necessary to keep the candidate's name and face before the public but no careful student of politics will make the assumptions made by Mr. Shayon. Indeed his own column betrays that in the last analysis he is not so sure himself.

Louis L. Jaffe
Harvard Law School

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Improving Schools

Sirs:

I was surprised and disappointed at Martin Mayer's gloomy piece "Improving the Schools" (April 1). It is true that many, many schemes to bring about sudden improvement in slum schools failed over the past five years. But some succeeded. We know what will and will not work and we can press on.

In addition to the highly successful Army literacy project (13 months test gain for each 3 weeks of instruction) which Mayer named, and to the peer tutoring which he also included, there are now five dependable teaching systems for slum children. Siegrefreid Englemann's DISTAR program is doing the job in about 100 school systems, Behavioral Research Laboratories Programmed Instruction is delivering, as is David Weikart's High Scope system, Merle Karnes' Ameliorative Curriculum and the Phonics schools identified in George Weber's *Inner City Children Can Learn to Read: Four Successful Schools*, Washington Council for Basic Education, 1971.

What we need is pressure on school supervisors and teachers to adopt and apply these systems with the amount of zeal and energy required to make them work. We also need to work on the testing apparatus to get better measurements of results. According to Fred Hechinger (*New York Times*, 3/26/71), Weber, and others, most reading tests combine tests of verbal logic and tests of reading comprehension in their corpus thereby confounding the results for slum children. We need pressure on publishers to come up with comprehension tests such as Weber developed and used in his study. Many slum children read better than they test. They are stumbling over the verbal logic and sometimes the syntax of Angles and Saxons, it seems. We also need to accent the positive where minority progress in education is concerned. Blacks, for example, recorded a jump in high school graduation rates from 36 to 63 percent in the past decade. This is miraculous but the public—and most black people—don't know about it. Similarly, college enrollment increased 85 percent and for the first time in history more blacks are in professional, technical, crafts and operative jobs than are in common laborer jobs. A black school led Los Angeles in IQ testing two years ago and a black school led Virginia in reading last year.

The New Republic would do a service if it joined with others in promoting use of high impact programs, urging Congress to increase support for these programs, promoting the development of more accurate tests, using successes as a springboard to even greater successes, and hammering away at job and housing discrimination to make increased education for minorities more rewarding than is the case.

William F. Brazziel
The University of Connecticut

Coming:
Doris Grumbach on
Amy Vanderbilt's *Etiquette*

Rorem, *from page 24*

own books and music and multilingual abilities. He assumes our knowledge of Jane Bowles' extraordinary creation, and, as with the subject of marital affection, deems it more tantalizing, and thus more skillful, not to spell things out. As for the heart, others have bled it to death, so why should Paul Bowles? when the description of a jackal's wail or a Jalila trance or a Ceylanese temple filled with bats can be more terribly thrilling.

Still, the final crabbed product comes to less than the sum of its parts. The best of what is written here has been better written elsewhere by another Paul Bowles: the verbal landscapes. Though he may not be a human por-

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traitist, he has, like some film-makers, created character from scenery. Deserts, jungles, city streets are personages in his books as in his life, and he causes them to breathe and suffer and threaten us as only a god can do. But when discussing real people the effect is desperate, touching, even sad, sometimes humorous, though only secondarily the effect he intended, that is, a pose of non-involvement. That effect, which fills the novels, no longer seems viable for our troubled world—perhaps precisely because the world has turned into a Paul Bowles novel where one is inevitably involved, though nightmarishly.

The best of Paul Bowles' early music contained a high-class appeal uniquely his own. Appeal has come to be considered a negligible ingredient in music. It would be interesting to see if Bowles could revive it, or if not, what dialect he might sing should he choose to sing again. The general public has forgotten his music, forgotten even that he was—is—a composer (our shyest composers must hustle ever more crassly to keep themselves known). Paul Bowles however has a built-in literary public who would receive warmly whatever he does. Let him finally reconcile his talents. For his music has had a long nap and might wake up refreshed, whereas his prose in this book seems momentarily exhausted.

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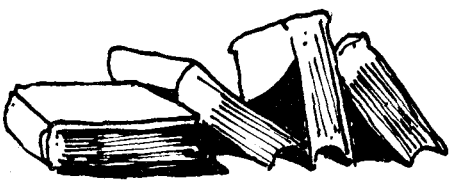

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